

HOUSE OF REPRESENTATIVES—Tuesday, February 26, 1991

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts go out, O gracious God, to those who bear the distress of battle and the scars of war. We pray specially for the families who have experienced any sadness or sorrow that Your ever-present spirit will give them the comfort and reassurance that is Your promise to all people.

Remind each of us, O God, that Your perfect love is at the center of life, that Your gift of faith is for each person, and Your benediction of hope is Your free gift to all. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Missouri [Mr. SKELTON] will please come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 59

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Silvio O. Conte, late a Representative from the Commonwealth of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 44. Concurrent resolution calling upon the people of the United States to display the American flag in show of support

for the U.S. troops stationed in the Persian Gulf region.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 555. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 320. An act to reauthorize the Export Administration Act of 1978, and for other purposes;

S. 347. An act to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes;

S. 468. An act to amend the Defense Production Act of 1950;

S.J. Res. 50. Joint resolution to designate April 6, 1991, as "National Student Athlete Day";

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week";

S.J. Res. 52. Joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month";

S.J. Res. 53. Joint resolution to designate April 9, 1991 and April 9, 1992, as "National Former Prisoner of War Recognition Day";

S.J. Res. 56. Joint resolution to designate the period commencing March 10, 1991, and ending on March 16, 1991, as "Deaf Awareness Week";

S.J. Res. 59. Joint resolution designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy";

S.J. Res. 62. Joint resolution to designate the month of March, 1991 and the month of March, 1992, as "Women's History Month";

S.J. Res. 63. Joint resolution to designate June 14, 1991, as "Baltic Freedom Day"; and

S.J. Res. 76. Joint resolution commending the Peace Corps and the current and former Peace Corps volunteers on the 30th anniversary of the establishment of the Peace Corps.

APPOINTMENT AS MEMBER OF NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER. Pursuant to the provisions of section 2501 of title 44, United States Code, the Chair appoints on the part of the House the gentleman from Indiana, Mr. SHARP, to the National Historical Publications and Records Commission.

IN SUPPORT OF THE U.S. TROOPS IN THE PERSIAN GULF

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, as the sixth week of the Persian Gulf war ends, America can take great pride in her troops: their selfless courage, their skill, and their dedication to bring the conflict to a decisive and conclusive victory.

The success of the air campaign and the wisdom exhibited by commanders—which have led to the extraordinary facility with which our American troops have implemented the ground campaign with minimal loss of life—must hearten each of us.

I am also encouraged that our troops and other Allied forces have met minimal resistance and that reports indicate a relatively quick end to the fighting.

As we exhibit our pride, we must also continue to offer our prayers: for the families of those who have fallen, for those who have been injured, and for the safe return of those who continue to press for a decisive victory.

SEND THE BILL TO SADDAM

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, daily, the news brings the images of war into our living rooms, a pictorial documentation of the incredible disruption and destructiveness caused by modern warfare. Rubble in Tel Aviv where once a vibrant residential neighborhood stood. Frantic civilians desperately reaching for gas masks. The blue waters of the Persian Gulf now fouled by a deliberate oilspill many times larger than the Exxon Valdez disaster, all victims of Saddam Hussein's self-centered grab for power and prestige.

The costs of fighting this war are great, as will be the costs of rebuilding after the war is over. But while the costs of fighting are now being borne by the multinational coalition, and the hundreds of thousands of families whose loved ones now serve in Operation Desert Storm, ultimately the costs should be borne by Saddam Hussein.

Mr. Speaker, let us not forget who started this war. Let us not forget that it was Saddam Hussein who thumbed his nose at dozens of peace proposals

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and 12 U.N. resolutions. It was Saddam Hussein who has stood in defiance of civilized behavior and world opinion.

This war will not last forever. When it's over, the United States and the United Nations must hold Saddam Hussein accountable for the destruction and the suffering. Who will pay for this war? I say, send the bill to Saddam.

COURAGE AND BRAVERY OF AMERICAN MEN AND WOMEN IN THE PERSIAN GULF WAR

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, it appears that the American Forces are on the brink of a stunning military victory. The President is correctly staying the course for Iraq's complete compliance with the U.N. resolutions. Such a successful effort is possible only because of the high quality of our American men and women in uniform.

This has not been an easy task. Long months in the desert, extensive training, and a professional attitude prepared them for their task. But, Mr. Speaker, it is more than that. In these days when the words "courage" and "bravery" are little used, we see American courage and bravery on the battlefield writing a new chapter in the annals of military history.

Francis Scott Key penned this question when he wrote the Star Spangled Banner: "Oh, say does that star spangled banner yet wave o'er the land of the free and the home of the brave?"

That eternal question is being answered with a resounding yes by the young Americans who wear our uniform.

Mr. Speaker, I am so very proud of them. I know that all of our countrymen share in that pride.

FULL REPARATIONS DUE KUWAIT FROM IRAQ

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, we must not let the Iraqi dictator off the hook. Should we let his troops surrender? Yes, we should! Should we let them keep their arms intact to be used again in terror another day? No, we must not!

Most importantly, due to the destruction of Kuwait and its people, we must demand reparations. In fact, if reports are accurate and we have control of southwestern Iraq and the Republican Guard encircled, we should hold Iraqi territory until reparations are paid and war criminals punished.

While Iraq has destroyed much of Kuwait and its oil resources, Iraqi oil fields are intact in territory U.N. Forces control. I say we drain these

fields until such time that they have paid for Operation Desert Storm in full; until they have compensated allied families for the loss of loved ones; and until they have paid to rebuild Kuwait in full.

SADDAM HUSSEIN SEEN AS A LOSER, "WHOPPED" GOOD

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, Saddam Hussein has been whopped, and whopped good. The United States and coalition forces have done an outstanding job in Desert Shield. Now, Saddam Hussein should not be let off the hook. The vanquished has no right to call the shots. Saddam Hussein's forces should not be allowed to walk away from the atrocities that have been committed in Kuwait. They should be rounded up and held accountable. All U.N. resolutions should be fully enforced. Saddam Hussein may call himself a victor, but he should be treated as the loser he is and the terms of surrender should exclude him as the leader of Iraq.

INTRODUCTION OF THE DESERT STORM FAMILY COMMUNICATIONS RELIEF RESOLUTION

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, today I have introduced House Joint Resolution 147, the Desert Storm family communications relief resolution. This measure seeks to reduce the pressure on the Desert Storm troops and their families by easing the strain of their sometimes burdensome phone bill.

AT&T, MCI, and Sprint have all set up phone links between Saudi Arabia and the United States. They exemplify the latest in high technology. Nevertheless, the families often receive exorbitant phone bills. Bills of \$500 to \$800 are not uncommon in military families. Ironically, the surcharge imposed by the Saudi Government represents the single largest factor in these bills. If the phone calls are routed through Saudi facilities, they impose a \$1.05 per minute surcharge. If the call uses one of the AT&T satellite linkups, the Saudi Government still imposes a \$.73 surcharge for the permission to establish the linkups. To date, the American consumers; namely, the families of the Desert Storm troops, have paid over \$15 million to the Saudi Government in telephone surcharges.

This resolution seeks different methods to achieve a single goal—the reduction of the financial burden placed on the Desert Storm families. This, in turn, reduces the stress on the troops which results from loneliness, concern

for their families, and the dangers of fighting a war. I empathize with the troops who must spend every day in the Saudi Desert, engaged in the defense of our Nation. We can certainly understand why our soldiers want to call home to calm the fears of those they love and find the consolation of a familiar voice. I urge Members to support this resolution, and consider co-sponsoring the legislation.

□ 1210

CNN'S COVERAGE OF SCUD ATTACK

(Mr. RAY asked and was given permission to address the House for 1 minute.)

Mr. RAY. Mr. Speaker, I support the rights of a free press, but clearly during the Desert Storm operation there are times when discretion should be used. In that respect, I rise today to reprimand the Cable News Network, CNN, for its coverage of yesterday's Iraqi Scud missile attack. This attack left 28 American soldiers dead and another 100 wounded.

Due to CNN's coverage, many other American and allied forces were placed in grave danger. CNN reported the attack within an hour of its occurrence. The Iraqi military could easily have used this report to strategically coordinate an additional Scud launch.

CNN should have delayed its desire to report the news, with the fact that lives were at stake. The Department of Defense has gone out of its way to allow the news media to closely cover the war. In exchange, the media must show some degree of discretion and responsibility.

OPPOSE H.R. 5, THE STRIKE BILL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, H.R. 5 is designed to prevent the hiring of permanent replacement workers during a strike.

Current labor policy is designed to prevent every garden variety economic demand from triggering a strike, or to prevent unions from having unrestricted economic leverage during bargaining and strikes. When union members voluntarily walk away from \$38,000 a year production jobs in Maine, or \$98,000 a year jobs as pilots, or \$200,000 a year jobs as professional football players, they know there is a substantial risk that other workers might find such pay to be acceptable. If the unions miscalculate, if their economic demands are unreasonable, they should not be accorded the same right to automatic reinstatement as if they were protecting an employer's unfair labor practices.

The strike bill (H.R. 5) would remove the distinction between an unfair labor practice dispute and an economic strike. Under H.R. 5, an employer's inability or unwillingness to accede to a union's economic bargaining demand, no matter how unreasonable, would be treated the same as if the employer had committed an unfair labor practice.

H.R. 5 is a strike promotion bill—it is not what our country or our economy needs.

THE OVARIAN CANCER RESEARCH ACT OF 1991

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I rise to call attention to my bill, H.R. 148, the Ovarian Cancer Research Act of 1991, which I introduced on January 3, 1991. H.R. 148 has 73 cosponsors as of this date.

The status of women's health is vital to our country. Children, families, the national economy are all dependent upon the well-being of women.

Ovarian cancer is one of the deadliest cancers affecting women. It has no recognizable symptoms, is nearly impossible to detect, and kills most of the women who are diagnosed. Among diseases that strike women exclusively, ovarian cancer is the major killer.

In 1991, an estimated 20,500 American women will be diagnosed with ovarian cancer, and 12,400 women will die from the disease, more than will die from cervical and uterine cancer combined.

Unlike other types of cancer, no effective screening test for ovarian cancer exists. In 70 percent of the women diagnosed with ovarian cancer, the condition will already have developed into its advanced stages. For these women, the 5-year survival rate is only 13 to 26 percent, compared to over 76 percent for breast cancer patients after surgery. The long-term survival rate has increased little in the past 30 years.

Although some doctors believe that up to 10 percent of ovarian cancer cases run in families, little is known for certain about this disease. According to the National Cancer Institute, it "has not been possible to determine whether these cancers are due to genetic factors or whether they occur merely by chance."

The lack of information about this disease stems in part from the limited research funding that ovarian cancer has received. The Ovarian Cancer Research Act of 1991, H.R. 148, would authorize \$30 million a year for fiscal years 1992 through 1996 to be spent by the National Cancer Institute on basic research to develop an early detection test and to determine whether there is a genetic basis for ovarian cancer.

This legislation is important not only to the women who have died and their families, but it is important to the women who could live because of it.

INTERNATIONAL BLOWHARD MUST NOW FACE THE MUSIC

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, the world is now experiencing the mother of all retreats. For the last 6 months, we have seen a madman's army invade a sovereign nation, rip babies from their incubators, rape innocent women and children, fire Scud missiles wantonly into civilian neighborhoods, parade allied POW's in humiliation, and attempt to ambush our troops by faking a surrender.

This international blowhard must now face the music. Paraphrasing the words of the 1970s hit by the Guess Who, "Saddam, it is too late, you've gone too far, You've lost this one, you've come undone."

This groundhog continues to hide in his reinforced bunker behind the skirts of Iraqi women and children. Punxsutawney Saddam, come out, because Desert Storm is not going to end until you face the weather ahead of you.

STRENGTH, COURAGE AND PROFESSIONALISM OF ALLIED TROOPS WILL WIN OUT

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Speaker, last night Saddam Hussein upped the ante. We knew that when we entered the final phase of this war we would have more casualties and there would be serious losses, but last night we felt a tragic loss. In firing on a military barrack only moments after the announcement of a so-called Iraqi withdrawal, Saddam Hussein sent a message. And we are sending one back: Our troops will press on. Their courage and strength will not fail. Not by this act of savage aggression or anything else Mr. Saddam Hussein has to offer. He has grossly underestimated our capabilities and fails to realize our supreme advantage. It is not military technology, it is the strength, courage, and professionalism of our American troops.

At this hour we stand on the brink of victory, and our thoughts go out to these brave soldiers. Their safety in achieving victory is our prime concern, and our goals will not change. If Saddam Hussein wants to send a crystal clear message, he will personally call for a cease-fire now, the Iraqi troops will lay down their weapons, and they

will walk back to Iraq. Until then, we press on.

CONGRESS MUST RECOGNIZE THE RELATIONSHIP BETWEEN SPENDING AND DEFICITS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to talk about an issue which, other than the Middle East matter, is the most important before the Congress, and sadly one that seems not to attract too much attention except during the closing hours of the session, and that is reducing the deficit and balancing the budget.

As important as this issue is to the American taxpayers and to this Congress, there appears to be precious little concern about it on a day-to-day basis. Typically Members of this body rise to insist on additional spending for nearly every program, attacking the President's budget because it does not spend enough, and persist in the notion that the country will absolutely collapse if every agency and program is not in a growth spending mode, as if no program nor spending area could be reduced or eliminated.

Mr. Speaker, there is a relationship between spending and deficits. That seems very simple and logical. But it is clear that that relationship is not always recognized.

Mr. Speaker, there is a direct correlation between the size of Government and deficits, and we need to behave that way, every day.

MARY MCGRORY: FOREMOST CHAMPION OF BLAME-AMERICA-FIRST CROWD

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, the blame-America-first crowd has always considered columnist Mary McGrory as one of its foremost champions!

Through the years Mary McGrory has criticized just about every statement or action of each American President I have served under, and this is my 17th year in Congress.

Consider Mary McGrory's comments today in the Post:

1. "The Soviet president got off on the wrong foot by imagining that Americans like peace better than war."
2. "Americans until about January 16 thought war was a downer."
3. "This is George Bush's war. George Bush is president of the planet."
4. "Americans who never heard of Saddam Hussein until August 2 now speak of him as a deterrent to their pursuit of happiness."

Naturally, as expected, columnist Mary McGrory does not write one critical word regarding Saddam Hussein.

What does Mary McGrory today say about yesterday's Iraqi Scud missile attack that has killed dozens of American soldiers in Saudi Arabia? Nothing.

I am proud that none of the newspapers published in my Kentucky district prints the articles of this biased, cynical, blame-America-first syndicated columnist.

SUPPORT WOMEN'S HEALTH EQUITY ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, tomorrow, the Congressional Caucus for Women's Issues will be introducing a package of bills, the Women's Health Equity Act. The legislation goes a long way toward improving the health of American women.

There are a wide range of statistics which demonstrate the need for this package. One clear example is the neglect of women in research on HIV-AIDS. Women now comprise the fastest growing group of persons with AIDS in this country. Of those individuals who have contracted the disease through heterosexual contact, women now outnumber men. In New York City, AIDS not only has become the leading cause of death among women between the ages of 20 and 40, but one out of every 80 births is to an HIV-infected woman. If current mortality trends continue, by the end of this year, HIV-AIDS can be expected to become one of the five leading causes of death in women of reproductive age nationwide.

Despite these devastating statistics, most AIDS research, treatment, and prevention programs focus predominantly on men. I have introduced legislation to remedy the neglect of the growing AIDS epidemic among women. The two bills, which are part of the Women's Health Equity Act, would encourage research on HIV infection in women, and would improve access to health services for women with AIDS in this country.

The Women's Health Equity Act represents a first step toward addressing the tragic lack of attention given to women's health. I urge you to join me in cosponsoring these crucial pieces of legislation.

□ 1220

THE COST OF FREEDOM MUST BE SHARED

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, the United States has a long history of fighting for freedom and democracy around the world. Fifty years ago FDR sent American troops to Europe and the Far East in defense of freedom against the forces of nazism and tyranny and then rebuilt Germany and Japan. Forty-five years ago the Truman doctrine was established to defend western values against expansionist Soviet communism and then rebuilt Western Europe and Turkey and Greece. Today, American men and women, have been called again to protect and defend another country from the grasp of a dictator.

Mr. Speaker, what is different today however is that among all those countries who have benefited from past American generosity and who will benefit in the future from the American resolve against Saddam Hussein, very few are coming forward and contributing their share of the cost of this war. Those countries to whom we have been so generous suddenly have short memories and tight purse strings.

Well, Mr. Speaker, today, I am introducing legislation to loosen those purse strings so that all countries who benefit from Persian Gulf oil and our effort to free Kuwait and Saudi Arabia and the Middle East from the destabilizing effect of Saddam Hussein will have to share the cost of this effort.

Mr. Speaker, my legislation is more than a report, in order to defray the cost of the Persian Gulf war, it requires that we impose a tariff on every import coming into America from those countries who use Persian Gulf oil.

Mr. Speaker, it is as simple as this—those countries who benefit from the war will pay for the war, otherwise they are not going to be allowed access to the American marketplace. I urge my colleagues to join me in this effort.

NO UNITED STATES AID TO REBUILD KUWAIT OR IRAQ

(Mr. APPELATE asked and was given permission to address the House for 1 minute.)

Mr. APPELATE. Mr. Speaker, when this war is over, and we assume that it will be in a matter of a day or two or so, the United States is going to be asked to rebuild Kuwait and Iraq. My vote will be an unequivocal no, no, we will not spend 1 red cent of American taxpayer's money.

This is absolutely wrong. The United States has already spent much in money and in casualties. The cost has been horrendous to our Nation for Iraq and Kuwait, two nations, neither of which support the United States in the United Nations.

We need to keep our money in the United States to rebuild America's crumbling infrastructure, and we have not had any bombs dropped on it. If Ku-

wait and Iraq are to be rebuilt, let them be rebuilt with the moneys from Japan and Europe. Those are the nations who are benefiting most from this war. And better yet, why not let Iraq and Kuwait rebuild their own infrastructure. They still have oil and they still have billions of dollars.

SUPPORT FOR PRESIDENT BUSH'S DECISION TO REJECT SADDAM HUSSEIN'S LATEST OFFER OF WITHDRAWAL

(Mr. MCCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCURDY. Mr. Speaker, as the walls of his underground bunker close in on Saddam Hussein, I rise today to offer words of respect and admiration for the superb job our Armed Forces are doing in the Persian Gulf. Although there remains some work left to do before we claim total victory in this conflict, the American people have every reason to feel a sense of national pride in how the men and women in our Armed Forces have carried out their mission against Saddam Hussein. And in stark contrast to the early predictions made by some that we would suffer tens of thousands of casualties in a ground war, our Armed Forces and those of our allies are liberating Kuwait with minimum loss of life.

But beyond the success of our military operations, I believe that we can now begin to reflect on the rightness of American purpose in this war. For some in this country and elsewhere in the world, the war against Saddam Hussein when it began was just another example of American imperialism, or merely a war on behalf of the big oil companies and Israel. The record speaks for itself—these accusations come from both the far right as well as the far left.

But for most of us, Mr. Speaker, this conflict has held much greater meaning. It has affirmed this country's leadership in the post-cold-war world and our respect for the rule of law. It has erased lingering doubts that the United States will not act with force if necessary to defend our vital interests. And despite Mikhail Gorbachev's recent diplomatic maneuvers to find a way to prevent Saddam Hussein from committing national suicide, this conflict has affirmed the utility of forming international coalitions, whenever possible, to confront international aggression.

Therefore, Mr. Speaker, I hope my colleagues will join me in supporting President Bush's decision to reject Saddam Hussein's latest attempt to save his own neck and what remains of his military. The only path left for the Iraqi Army to reach Baghdad is through full implementation of all 12 U.N. resolutions. Until the Iraqi leader-

ship takes this step, we should continue our military operations.

SOVIETS MANEUVERING FOR CONTINUED ARMS SALES TO IRAQ

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, it has become increasingly obvious that hardliners in the Kremlin allied with Mr. Gorbachev are trying to save Saddam Hussein's skin, and this is occurring at the same time that the prodemocracy forces are cheering the U.S. position in the Persian Gulf; 100,000 people cheered the other day when our policy was mentioned.

Mr. Speaker, before the war in the gulf the Soviet Union imported large quantities of Iraqi oil in exchange for billions of dollars in Soviet armaments and weapons, and then they sold this oil to other nations for a profit, like Bulgaria and India. It was a very lucrative business for the Soviet military-industrial complex.

I urge my colleagues to take a look at the Monday issue of the Journal of Commerce. It really documents it very well. The military had an almost unlimited market for Soviet-made tanks, mines, Scud missiles, yes, the same Scud missiles that just killed 26 Americans while Saddam Hussein is talking peace and withdrawal.

Now many members of this Communist old guard in the Soviet Government and military have gotten hit hard in the wallet by the United States-United Nations sanctions against Iraq, and they want their military economic relationship restored with Saddam Hussein's Iraq, and they want it restored as quickly as possible.

Col. Viktor Alksinis, a member of the Supreme Soviet and the leader of the hardline faction which claims to have ousted Shevardnadze, has called for resumption of arms shipments to Iraq. He said:

We have to think about lifting the sanctions against Iraq, if only for the reason that we are bound by Iraq by a bilateral treaty. This treaty includes possible shipments of defense systems to Iraq.

Mr. Speaker, the United States and the Members of Congress need to send a clear signal to the Soviet military and hardline factions that are backing Gorbachev that we will not stand for resumed military shipments from the Soviet Union to Iraq, and that we see their diplomatic initiatives as misplaced cover for a crackdown in the Baltic States.

I would like to include in the RECORD, hereafter, a copy of the Feb. 25, 1991, article by Mark Berniker that discusses this in the Journal of Commerce:

[From the Journal of Commerce, Feb. 25, 1991]

LOST REVENUES FROM IRAQ TRADE BAN SQUEEZE SOVIETS

(By Mark D. Berniker)

MOSCOW.—The Soviet Union is feeling the squeeze of lost revenues resulting from the world trade embargo of Iraq.

As United Nations-sponsored trade sanctions enter a seventh month, the Soviets are assessing the impact of the embargo and certain circles are even pushing for revising Soviet trade policy toward Iraq.

During the first six months of the trade embargo of Iraq, the Soviet Union lost "about \$4 billion, or maybe more," from the canceled re-export sales of Iraqi oil, said Igor Mordvinov, speaking for the Soviet Ministry of External Economic Relations at a Journal of Commerce interview in Moscow.

Before the gulf war, Soviet-Iraqi trade revolved around a triangular arrangement, whereby Iraqi crude oil was shipped to the Soviet Union and then re-exported, primarily to India, Bulgaria and other East European countries.

In return, the Soviets received hard currency and shipments of a variety of consumer goods, including Indian paint and Bulgarian cigarettes. The three-sided trade deal culminated with Iraq receiving billions of dollars worth of Soviet armaments and military hardware.

The Soviet government has been steadfast in supporting the trade embargo of Iraq, following Baghdad's invasion of Kuwait and the ensuing U.N. sanctions.

Mr. Mordvinov said there has been "absolutely no trade" between the Soviet Union and Iraq since the U.N.-sponsored complete trade embargo of Iraq began in August. However there are members of the Soviet military-industrial complex who would like to see the resumption of Soviet trade and arms shipments with Iraq once the war is over.

"We have to think about lifting the sanctions against Iraq, if only for the reason that we are bound with Iraq by a bilateral treaty. This treaty includes possible shipments of defense systems to Iraq," said Col. Viktor Alksinis, a member of the U.S.S.R. Supreme Soviet, speaking to The Journal of Commerce during a parliamentary intermission.

He is a leader of the hard-line wing known as Soyuz.

Soyuz, which has gained strength in recent weeks, includes members of the military. The group boasts that it was responsible for the ousting of Edward Shevardnadze, the former Soviet foreign minister who recently resigned.

During the decade of the 1980s, the Soviet Union had a close military alliance with Iraq, which was fighting its long and drawn-out war with neighboring Iran at the time. Moscow supplied Iraq with \$13.25 billion worth of arms, according to the Stockholm International Peace Research Institute.

The bulk of the military hardware in Saddam Hussein's arsenal—from tanks to missiles—was delivered by the Soviet Union in exchange for valuable Iraqi crude oil.

Iraqi payments for the weapons, in crude oil and cash, had begun slipping far behind the weapons deliveries by early 1990. Iraq's failure to hold up its end of the trade bargain led to negative consequences for the Soviets and India as well. The post-invasion embargo froze that imbalance into place.

Sources familiar with Indian-Soviet trade relations said India in recent months has had to pay 3 billion rupees (more than \$100 million) because of the breakdown of the Soviet-Iraqi-Indian trade triangle.

India has been forced to turn to the world market for oil procurements, receiving deliveries primarily from Saudi Arabia.

Based on statistics released by Goskomstat, the Soviet State Committee for Statistics, Iraq owes the Soviet Union 3.8 billion rubles, or \$6 billion. Total Soviet-Iraqi trade was nearly \$2 billion in 1989. Figures for 1990 are not yet available.

Mr. Mordvinov described Soviet-Iraqi trade as "stable in recent years," adding that Moscow will likely resume trade links with Iraq after the war is over. The Soviet Union produced a peace proposal last week aimed at ending the war.

Despite the United Nations embargo of Iraq and Baghdad's large debt to the Soviets, Moscow has in no way severed its trade links with Iraq. The Soviets are expected to play an important role in the post-war reconstruction of the ravaged Iraqi economy.

The Soviets already are involved in a series of major industrial projects designed to develop a variety of sectors of the Iraqi economy.

The Turkish construction concern Enka has agreed to cooperate with the Soviet Union on a \$5 billion railway construction plan to link Baghdad and Basra, a port at the northern tip of the Persian Gulf near the Kuwaiti border.

"Enka will take part in planning, steel construction, production and assembly and signalization phases of the project," reported the Turkish newspaper Anatolia.

In another example of Soviet-Iraqi cooperation, Zarubezhneftegazstroj, a Soviet oil and gas construction association, "will continue oil pipeline work in Iraq," according to Ecotass, a daily economic news service of the official Soviet news agency Tass.

Mr. Mordvinov confirmed that other major Soviet-Iraqi joint industrial projects include a 1,680-megawatt heat and electric power station at al-Yusufiyah; a grain elevator with 40,000-ton capacity in Sulaymaniyah; development of oil fields in western al-Qurnah; oil drilling operations in southern Iraq; and plans for construction of a gigantic hydro-power complex on the Euphrates River.

According to Mr. Mordvinov, all these projects are being "suspended" until after the war is over. There is speculation here that as part of Mikhail Gorbachev's peace plan, Moscow has guaranteed that it will help rebuild the Iraqi economy, assuming Saddam Hussein unconditionally withdraws from Kuwait in compliance with U.N. Security Council Resolution 660.

While the Soviet Union does not share a border with Iraq, the Moscow leadership has clearly expressed its concern over the expansion of the gulf war on the security interests of its southern and predominantly Muslim republics. Iraq borders Turkey to the north and Iran to the east, two of the Soviets' most important neighbors.

The conflict may not be on the Kremlin's doorstep, but northern Iraq is less than 200 miles from the Soviet border, a sensitive issue for the Moscow leadership and a reason why the Soviets are forcing the diplomatic card.

The Soviet Union has depended on oil generated by its massive sales of military hardware to Iraq for cheap consumer goods from India, Eastern Europe and elsewhere.

Now with shrinking revenues from lost Iraqi oil re-exports, the Soviets are facing huge financial losses, prompting certain conservative forces within the country's parliament to call for a resumption of arms trade for oil with Iraq.

PRAISE, PRAYER, AND CONTINUED CARE FOR OUR TROOPS IN THE MIDDLE EAST

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, for 7 months American and allied troops have been stationed in the Persian Gulf. They spent 6 of those months hunkered down in the sand enduring unbearably hot days and bone-chilling nights. Many of them haven't seen their families since August.

Some of them are flying through enemy territory dodging antiaircraft fire. Others face deadly bullets and pray that the Scud missiles don't make it to their targets. They are risking their lives every single day.

Since the outset of Operation Desert Storm, these brave young men and women have acted courageously and selflessly. They have made us very proud.

In fact, the beginning of the ground offensive is going so well that the biggest problem they've come across is how to handle the multitude of Iraqi surrenders.

Our noble enlisted men and women and our military leaders are doing an excellent job. Their bravery, dedication, and patriotism are serving as an inspiration to all Americans.

They have devoted themselves to the ideals for which this country stands. Let's get ready for the return of America's sons and daughters. Because, Mr. Speaker, our troops are today's true heroes.

We owe it to them to make sure they have jobs and homes to come back to; they must be able to educate their kids, and, if they need it, they have full health care.

Let's pray for a swift victory and give them the homecoming they deserve. We have much to be proud about, we cannot let them down.

□ 1230

SUPPORT H.R. 920, THE RECLAMATION DROUGHT RESPONSE ACT

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, like everyone, I want to join in heralding the courageous men and women who have been fighting for the cause of freedom in the Persian Gulf.

Mr. Speaker, I want to take a few moments to talk about a very important domestic issue, especially for my State.

The current drought that is ravaging California threatens the State's economy and our standard of living. Water conservation is not new to Californians, but 5 straight years of inad-

equately water supplies has pushed conservation to a new extreme. Drastic times require drastic measures.

I applaud the swift and definite action of Governor Wilson in creating the California drought action plan. The Governor's plan acknowledges the need for the tough decisions and cooperation if California is to survive this disaster.

I am also encouraged that Interior Secretary Lujan has appointed a Federal coordinator for the Government's drought action team. To complement this effort, I urge my colleagues to support H.R. 920, the Reclamation Drought Response Act, sponsored by my colleague, the gentleman from Arizona [Mr. RHODES]. This measure gives the Secretary of the Interior the permanent authority to conduct drought-related programs to protect people, agriculture, and wildlife.

Mr. Speaker, I continue to pray for rain in California.

SERVICE MEN AND WOMEN SHOULD NOT HAVE TO FACE DELAYS REGARDING VETERANS' BENEFITS

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, we are now nearly 6 weeks into this conflict. The soldiers serving in the Persian Gulf have our full support and our prayers.

Mr. Speaker, supporting our troops means we all have to participate in some way. Giving blood, writing letters, sending care packages, and displaying the flag and yellow ribbons are important. But we all must look deeper to see what more we can do to support the troops.

Certainly, when these brave men and women return home, they deserve a hero's welcome, but they also deserve ready access to the GI bill, job training, vet's counseling, health care, and the other programs we promised them when they enlisted. These are the ongoing costs of war that we must all be willing to pay.

After facing Scud missile attacks, land mines, and Iraqi firepower, American service men and women should not have to face delays or hassles regarding their veterans' benefits upon their return home.

THE FEDERAL GOVERNMENT AND CONGRESS SHOULD BUY REAL RECYCLED PAPER

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I invite Members to cosponsor a bill which will support the Government's purchase of real recycled paper. My bill will amend the Resource Conservation and Recov-

ery Act which currently requires the Federal purchasing agents to implement affirmative procurement programs for paper products containing recovered material. That is an interesting concept, but the truth of the matter is, Mr. Speaker, the act does not promote the use of paper with postconsumer-waste content; that is, paper which has already been used once, thrown away, and collected for recycling which would be deinked and put back into use.

With no standard to include postconsumer waste paper, the affirmative procurement programs have not helped create a market in this country for separated paper and do nothing at all to help us solve the solid-waste problems plaguing the country.

My bill will change the standards for paper to ensure that paper purchased by the Government contains a percentage of postconsumer waste. This bill will correct the affirmative procurement programs to help us accomplish what we meant to accomplish in the first place.

I hope that the Members will join me as cosponsor of this bill and help to truly and honestly address the waste problems facing our country.

NATIONAL AND COMMUNITY SERVICE TECHNICAL AMENDMENTS ACT OF 1991

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the Senate bill (S. 379) to make certain technical amendments to the National and Community Service Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. RAY). Is there objection to the request of the gentleman from Michigan?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I do not plan to object, and I yield to the gentleman from Michigan [Mr. FORD], my chairman, to explain what we are doing, which I support.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the National and Community Service Technical Amendments Act of 1991 corrects several errors included in the national service bill which the Congress passed last year. It also accedes to the President's request to modify the procedures by which members are appointed to the Board of Directors of the Commission on National and Community Service.

Essentially, the President argues that Congress does not have the right to prescribe qualifications for offices subject to Presidential appointment and that we also lack the authority to ask the President to choose from a list

of congressionally designated nominees.

I believe that Congress' right to prescribe qualifications is beyond doubt. I am also convinced that there is no serious infringement on the President's appointment powers as long as the President has the final say in appointing only those who meet his criteria.

I was surprised that the President objected to these procedures when he signed the bill, because his agents never raised these issues when we negotiated the bill with them. I wish they had, because I believe we could have resolved these problems to our mutual satisfaction and thus avoided this needless delay in implementation of the National and Community Service Act. In order to finally establish the Commission and enable it to fulfill its mandate and get these important programs off the ground, I have agreed to modify the appointments process as the President has requested.

I hope that now, at this critical juncture, we can work with the administration to make these programs work as we intended them to.

Mr. GOODLING. Mr. Speaker, further reserving the right to object, I thank the chairman for his explanation. As I indicated, I will not object.

The White House has approved all of these changes, and the Senate has already passed it on a voice vote.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National and Community Service Technical Amendments Act of 1991".

SEC. 2. REFERENCES.

Except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National and Community Service Act (Public Law 101-610).

SEC. 3. DEFINITIONS.

Section 101 (42 U.S.C. 1241) is amended—

(1) by inserting after paragraph (6), the following new paragraph:

"(7) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe."

(2) by redesignating paragraphs (7) through (29) as paragraphs (8) through (30), respectively;

(3) in paragraph (8) (as so redesignated), by inserting "an Indian or" before "Indian tribes" each place that such appears;

(4) in paragraph (14) (as so redesignated), by adding at the end thereof the following new sentence: "Participants shall not be considered employees of the program."

(5) in paragraph (23) (as so redesignated), by striking out "students or out of school youth" and inserting in lieu thereof "participants";

(6) in paragraph (24) (as so redesignated)—
(A) by striking out "MEMBER" in the paragraph heading and inserting in lieu thereof "PARTICIPANT"; and

(B) by striking out "member" and inserting in lieu thereof "participant"; and

(7) in paragraph (30) (as so redesignated), by inserting "corps" after "youth service".

SEC. 4. PROGRAMS FOR STUDENTS AND OUT-OF-SCHOOL YOUTH.

Subtitle B of title I (42 U.S.C. 12421 et seq.) is amended—

(1) by striking out the subtitle heading and the heading of part I and inserting in lieu thereof the following:

"SUBTITLE B—PROGRAMS FOR STUDENTS AND OUT-OF-SCHOOL YOUTH

"PART I—SERVICE-AMERICA"

(2) in section 111(a)(2)(B)(i) (42 U.S.C. 12421(a)(2)(B)(i)), by striking out ", and that is representative of the community in which such services will be provided";

(3) in section 112 (42 U.S.C. 12422)—

(A) by inserting "the Virgin Islands," before "Guam" in subsection (a);

(B) by inserting "solely" after "activities" in subsection (c);

(C) by striking out "section 111(a)(2)" in subsection (c) and inserting in lieu thereof "paragraphs (2), (3), or (4) of section 111(a)"; and

(D) by inserting "and Indian Tribes" before "on a competitive basis" in subsection (e);

(4) in section 114 (42 U.S.C. 12424)—

(A) by striking out "Youth Service Corps and National Service" in subsection (c)(7); and

(B) by striking out "role" and inserting in lieu thereof "volunteer and";

(5) in section 117(b)(1) (42 U.S.C. 12427(b)(1)), by inserting "evaluations," after "insurance,"; and

(6) in section 118(d)(7) (42 U.S.C. 12428(d)(7))—

(A) by striking out "in the program"; and

(B) by striking out "project" and inserting in lieu thereof "program".

SEC. 5. AMERICAN CONSERVATION AND YOUTH SERVICE CORPS.

Subtitle C of title I (42 U.S.C. 12441 et seq.) is amended—

(1) in the subtitle heading by inserting "Service" before "Corps";

(2) in section 122(e) (42 U.S.C. 12442(e)), by inserting "service" after "youth";

(3) in section 123(c) (42 U.S.C. 12443(c))—
(A) by striking out "and" at the end of paragraph (13);

(B) by redesignating paragraph (14) as paragraph (15); and

(C) by inserting after paragraph (14) the following new paragraph:

"(14) a plan for ensuring that post-service education and training benefits are used solely for the purposes designated in this subtitle; and";

(4) in section 124 (42 U.S.C. 12444)—

(A) by striking out "human services" in subsection (a)(2) and inserting in lieu thereof "youth service"; and

(B) by striking out "services in any project" and all that follows through "projects" in subsection (c) and inserting in lieu thereof "any specific activity for more than a 6-month period. No participant shall remain enrolled in programs";

(5) in section 128(a)(3) (42 U.S.C. 12448(a)(3)), by striking out "project or service" and inserting in lieu thereof "activity";

(6) in section 133(d)(1) (42 U.S.C. 12453(a)(3)), by striking out "subsections (a) and (c)" and inserting in lieu thereof "subsection (a)"; and

(7) by striking out section 136 (42 U.S.C. 12456).

SEC. 6. NATIONAL AND COMMUNITY SERVICE.

(a) ELIGIBILITY.—Section 145(c) (42 U.S.C. 12475(c)) is amended—

(1) by striking out "member" and inserting in lieu thereof "participant" in the matter preceding paragraph (1); and

(2) by striking out "membership" and inserting in lieu thereof "participation" in paragraph (2).

(b) POST-SERVICE BENEFITS.—Section 146(e)(2) (43 U.S.C. 12476(e)(2)) is amended by inserting "benefit" before "provided".

SEC. 7. INNOVATIVE AND DEMONSTRATION PROGRAMS AND PROJECTS.

Section 157(c) (42 U.S.C. 12502(c)) is amended—

(1) in paragraph (7)—

(A) by striking out "in the program"; and
(B) by striking out "project" and inserting in lieu thereof "program"; and

(2) in paragraph (8), by striking out "in a program".

SEC. 8. ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12531 et seq.) is amended—

(1) in section 178(b)(1)(B) (42 U.S.C. 12538(b)(1)(B)) by striking out "youth service corps" and inserting in lieu thereof "youth corps"; and

(2) by inserting after section 185 (42 U.S.C. 12545) the following new section:

"SEC. 186. REGULATIONS.

"Prior to the end of the 180-day period beginning on the date of enactment of the National and Community Service Act of 1990, the Commission shall issue final rules or regulations necessary to implement the provisions of this title."

SEC. 9. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

Section 190 (42 U.S.C. 12551)—

(1) in subsection (b)—

(A) by striking out "Senate," in paragraph (1)(A) and all that follows and inserting in lieu thereof the following: "Senate. To the maximum extent practicable, an effort should be made to appoint members—

"(i) who have extensive experience in volunteer and service opportunity programs and who represent a broad range of viewpoints; and

"(ii) so that the Board shall be diverse according to race, ethnicity, age, gender, and political party membership."; and

(B) by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following new paragraph:

"(2) TERMS.—Each member of the Board shall serve for a term of 3 years, except that seven of the initial members of the Board shall serve for a term of 1 year and seven shall serve for a term of 2 years, as designated by the President.";

(2) in subsection (c)(7), by striking out "national service demonstration program" and inserting "program authorized by subtitle D"; and

(4) in subsection (f)(3), by striking out "National and regional clearinghouses" and inserting in lieu thereof "Clearinghouses".

SEC. 10. YOUTHBUILD.

Section 715 of the Domestic Volunteer Service Act of 1973 is amended by striking out "Secretary" and inserting "Director".

The Senate bill was ordered to be read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on S. 379, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on tomorrow, Wednesday, February 27, 1991.

COMMEMORATING 200TH ANNIVERSARY OF UNITED STATES-PORTUGUESE DIPLOMATIC RELATIONS

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 55) commemorating the 200th anniversary of United States-Portuguese diplomatic relations.

The Clerk read as follows:

S.J. RES. 55

Whereas Portuguese navigators paved the way for the discovery of the New World in the fifteenth century;

Whereas in the 1700's, the Portuguese Navy extended to American shipping protection against the Barbary Pirates;

Whereas on February 21, 1791, the United States Congress ratified President Washington's nomination of the first United States minister to Portugal, marking the formal establishment of United States-Portuguese relations;

Whereas Portugal was an important trading partner in the early years of the United States Republic;

Whereas Portugal and the United States are both maritime nations with strong seafaring traditions;

Whereas the fishing industry contributed to the immigration of many Portuguese to the United States, particularly to New England;

Whereas more than one million two hundred thousand Americans trace their roots to Portugal;

Whereas the United States Consulate in the Azores, established in 1808, is the oldest active United States consulate post in the world;

Whereas in 1911, the United States was the first major power to recognize the new Portuguese Republic;

Whereas during both world wars, Portugal assisted the allies by allowing the use of its air base in the Azores;

Whereas since the 1974 revolution in Portugal, the United States-Portuguese relationship has continued to grow stronger;

Whereas as an active member of the European Community, Portugal is an important trans-Atlantic partner;

Whereas Portugal is a valued ally in the North Atlantic Treaty Organization: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That—

(1) on February 21, 1991, the Congress joins in celebrating the two hundredth anniversary of the establishment of United States-Portuguese diplomatic relations;

(2) the Congress asserts continued friendship and cooperation between the peoples of the United States and Portugal; and

(3) the President is authorized and requested to issue a proclamation marking the bicentennial of United States-Portuguese diplomatic relations.

□ 1240

The SPEAKER pro tempore (Mr. RAY). Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 55, recognizing the 200th anniversary of the establishment of diplomatic relations between the United States and Portugal.

This resolution passed the Senate February 20 and differs only very slightly from House Joint Resolution 100 the House version of this resolution that we passed in committee last week. The State Department supports this resolution.

This resolution is an important statement of recognition of the close and mutually beneficial relations we have long shared with our friend and NATO ally, Portugal.

The links between the United States and Portugal date back to the 15th century when Portuguese navigators were busy exploring the oceans for the New World. Since these early beginnings we have shared many common goals and traditions with the people of Portugal land the Azores. In NATO, through our relations with the European Community and in wartime—during World Wars I and II and today, in the Persian Gulf—the United States has worked closely with Portugal to promote our common objectives in the world community. Portugal has been a valued ally and friend through the years.

I commend the Rhodes Island delegation, led by Senator PELL and Congressman MACHTLEY, and my colleague from the Committee on Foreign Affairs, Mr. STUDDS, for their leadership on issues involving the United States

and Portugal and for bringing this resolution before Congress. I urge its adoption.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also am happy to join with the gentleman from Indiana [Mr. HAMILTON] in support of this resolution, recognizing the warm relationship between the United States and Portugal, which was introduced by the gentleman from Rhode Island [Mr. MACHTLEY].

This relationship was forged through 200 years of shared experiences in cross-Atlantic trade, a partnership in two world wars, and a commitment to the postwar security of nations sharing the ideals of democracy.

Portugal is a valued member of the North Atlantic Treaty Organization. It has volunteered to shoulder part of the coalition effort against Iraq by providing naval and cargo shipping support to the allies. Furthermore, the use of military facilities in Portugal by allied airmen has made their missions to Iraq and Kuwait both safer and more effective.

We are grateful for the leadership demonstrated by Portugal in this crisis, and the continued friendship of the Portuguese Government as we move toward a new era of global peace and prosperity.

This resolution authorizes and requests the President to issue a proclamation recognizing the 200th anniversary of United States-Portuguese relations. I urge my colleagues to join me in strong support of this resolution.

Mr. Speaker, I yield such time as he may consume to the principal sponsor of this resolution, the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, it was truly an honor for me to sponsor this resolution, and it is an honor for me to speak on its behalf. I wish to thank the committee for giving me the opportunity to speak, and to tell the Nation of the close relationship which has been a tradition between the United States and Portugal.

Two hundred years ago, the United States Congress ratified President Washington's nomination of the first United States Minister to Portugal. This act marked the beginning of United States diplomatic relations with Portugal.

It is today, 200 years later, that we recognize this important event. Even before these diplomatic ties, Portugal had played an important role for this American Nation. The advances of the Portuguese explorers and navigators paved the way for the discovery of America. But for Henry the Navigator and Vasco da Gama, the world certainly would be different today.

Portugal also extended a hand in friendship to young America by providing Portuguese Navy protection from

Barbary pirates who had seriously threatened American commerce. During both World Wars Portugal provided assistance to the allied forces by allowing the use of the Portuguese air base in the Azores. Today Portugal, as a NATO ally, is continuing its support for defending freedom and liberty by providing for the use of its air base in the Azores to support the coalition military efforts to defeat Iraq.

The early importance of Portugal to our young country's maritime interests led America to the Azores as a site for its first consulate. Today, our consulate in the Azores is the oldest active consulate post of the United States, underscoring the historic ties between our two countries and peoples.

In the 200 years since the formal establishment of diplomatic ties between Portugal and the United States, the United States-Portuguese relationship has continued to be strengthened. The maritime industry, which has played an important role in both the United States and particularly New England. More than 1 million Americans trace their routes to Portugal, and approximately one-sixth of this number make their home in Rhode Island. In Rhode Island, I am proud to see a magnificent monument to this Portuguese-American friendship.

This monument at Brenton Point in Newport, dedicated to the Portuguese explorers, is a special tribute to the especially strong bilateral ties between both the United States and Portugal and between the people of Rhode Island and Portugal.

Americans appreciate the Portuguese people and the many fine quality goods exported by Portuguese, most notably the pottery and marvelous wines which are quite possibly the best in the world. In fact, it was Portuguese Madeira wine, used by our forefathers to toast our independence in 1776, and even to toast our first President, George Washington, whose picture hangs in the Chamber.

We in Rhode Island feel a special warmth toward Portugal because of the strong Portuguese culture which has made its home in our State. Portuguese Americans provide a powerful and positive voice in Rhode Island and throughout America, and in this regard our ties to Portugal should also be heralded.

Today in the House of Representatives we not only recognize the tradition of the diplomatic relations between our two countries, but also reaffirm the continued friendship and cooperation between the people of the United States and of Portugal.

Obrigado.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Speaker, I rise today in recognition of the 200th anniversary

of formal diplomatic relations between the United States and Portugal.

It is appropriate that the inscription on the Statue of Liberty: "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore" was written by the Portuguese-American poet Emma Lazarus. And Joe Raposo, the Portuguese-American composer, wrote the musical score for the 100th year celebration of the Statue of Liberty.

Portuguese Americans have played an integral role in shaping American history and culture for hundreds of years. Portuguese contributions can be traced all of the way back to the Revolutionary War. Abbe Correia da Serra, a Portuguese American, was a personal friend and confidant of Thomas Jefferson. While he was not a politician, he was seen by Jefferson's side quite frequently.

In my home State of Rhode Island, Portuguese Americans constitute approximately 11 percent of the State's population. The Touro Synagogue in Newport, the oldest synagogue in the United States, was founded by Portuguese and Spanish Jews. Newport, RI, is also home to the Portuguese Navigator's Monument which symbolizes the contributions of Portuguese navigators to the opening of the New World.

Portuguese Americans have made great contributions in the areas of art and literature as well. John dos Passos, John Philip Sousa, and Joe Raposo are just a few who trace their roots back to Portugal.

I am proud today to honor the Portuguese in Rhode Island and all across the country. The American-Portuguese community is exemplary of the diversity championed in our Constitution; their achievements demonstrate that diversity stimulates growth, creativity, and productivity.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALOMAVEGA].

Mr. FALOMAVEGA. Mr. Speaker, I rise today to support the passage of House Joint Resolution 100 which recognizes the 200th anniversary of the establishment of diplomatic relations between the United States and Portugal.

Mr. Speaker, 200 years of diplomatic relations between our two countries has certainly fostered a strong positive alliance. Since Portuguese navigators paved the way for the discovery of the New World in the 15th century, Portugal has continued to make significant contributions to the United States primarily in the areas of international trade, diplomacy, defense, science, maritime administration, and fishing. Also more than 1,200,000 people of the United States trace their roots to Portugal. These Portuguese Americans continue to build upon that alliance by contributing to their communities.

Mr. Speaker, the United States and Portugal are both maritime nations with strong seafaring traditions. I represent a district or jurisdiction which hosts a large tuna industry. This private sector enterprise is the backbone of my district's economy and employs the largest private work force. Our tuna industry is dependent on the tuna purse seiners that catch the tuna and transport it to Samoa for processing. Many of the captains and owners of these boats are Portuguese Americans, and I might add, some 400 million dollars' worth of tuna vessels that are vital to our Nation's tuna industry. I commend these men for their major contributions to our country's tuna industry and to the economy of my own district. I specifically would like to commend Capt. Avelino Gonsalves, owner of the *Pacific Princess* tuna vessel, which continues to catch tuna for Samoa's tuna canneries for the past 10 years. Other tuna boat owners of Portuguese descent are Mr. Manuel Silva, Mr. Joseph Medina, Mr. John Freitas, Mr. George Sousa, Mr. Robert Virissimo, Mr. Roland Virissimo, Mr. John Balelo, Mr. Leo Correia, Mr. Chris Da Rosa, Mr. Joseph DeSilva, Mr. Fermin Ferreira, Mr. Ray Medeiros, Mr. John Silveira, and Mr. Frank Souza.

Mr. Speaker, I would like to call your attention to other famous Americans and officials of Portuguese ancestry. Ambassador Joao Pereira Bastos, Portugal's Ambassador to Washington; the late John Phillip Sousa, noted musician and composer; John Dos Passos, novelist; William Bereira, architect and civil engineer; Frank De Lima, a noted comedian and entertainer in Hawaii; Elmer Oliveira, violinist; and Nathan Oliveira, painter artist.

Mr. Speaker, I would like to commend my distinguished colleague from Rhode Island for sponsoring this legislation, and I urge my colleagues to pass House Joint Resolution 100.

Mr. Speaker, I would like to submit the following highlights of United States-Portuguese relations for the RECORD.

HIGHLIGHTS OF UNITED STATES-PORTUGUESE RELATIONS

Diplomatic relations between Portugal and the United States began on May 13, 1791, when the first minister, David Humphreys, presented his credentials to the court at Lisbon. (He was the first diplomat to be appointed Minister Resident under the Constitution, our representatives at other diplomatic posts being *Chargés d'Affaires*.) Despite Humphreys' high rank, his mission was less important than those at other European posts. The reasons for this included the language barrier between the Portuguese and the Americans, the significance of U.S. relations with Spain and Spanish America, and the centuries-old affiliation of Portugal with Great Britain.

U.S.-Portuguese relations continued on a friendly basis, even when the court at Lisbon was forced by the Napoleonic invasion in 1807 to flee to Rio de Janeiro, Brazil. In 1809 the

U.S. Senate commissioned a minister, Thomas Sumter, Jr., to the court at Rio; he became the first formal diplomatic agent of the United States to reside in Latin America.

The establishment of diplomatic relations between the United States and Portugal had not led to the granting of commercial privileges, because Portugal was tied to England by treaties dating from 1386 as well as by British control of the seas, so necessary for Portuguese colonial trade. In 1815, after Portugal elevated Brazil in status from a colony to a kingdom, the court seemed disposed to negotiate a commercial treaty on terms favorable to the United States, but nothing came of this. It was not until August 1840, nearly twenty years after the Portuguese King had returned to Lisbon, that a commercial treaty was signed between the United States and Portugal.

The return of King John to Portugal in 1821, and the establishment of the independent Empire of Brazil under John's son the following year, gave rise to a brief period of friction between the United States and Portugal. After some hesitation because of the form of government adopted in Brazil, the United States recognized the Empire in 1824. The Portuguese Chargé in Washington, promptly lodged a "vehement" protest. In his reply, Secretary of State John Quincy Adams justified the act of recognition by stating that it was "in no wise intended as an act unfriendly to the Government or people of Portugal. It was the recognition of a Government existing in fact. . . ." As it turned out, in August of the following year, Portugal, at British insistence, also recognized Brazilian independence.

Throughout the remainder of the 19th century, the most important aspect of U.S.-Portuguese relations lay in trade. In addition, Portugal's Azores and Cape Verde islands in the Atlantic as well as St. Helena and Luanda along the South American coast served as waypoints along the routes of the New Englander fishing fleets, and many Portuguese sailors who signed on American whaling ships in the islands later settled in New England towns.

During this period and until the end of World War II, Portugal still allied itself with Great Britain. The dismemberment of the British empire following the war, however, caused Portugal to move close to the United States. With the beginning of the Cold War, Portugal's continental coast and Atlantic islands increased in strategic importance to the West. The Azores, which has been used by the Allies as bases during World War II, again became vital to the West's policy of containment. Portugal joined the North Atlantic Treaty Organization as a charter member on April 4, 1949, and in 1951 it signed a defense agreement with the United States. This agreement became an important feature of the U.S.-Portuguese relationship that continues to the present.

Portugal was one of the few Western European countries in the postwar period not to receive American aid via the Marshall Plan. In the early years following the war Salazar did not request aid because he feared the political consequences of economic dependence that aid would bring, and believed that "Portugal will do it by herself." In addition, because of the Salazar regime's authority, the West viewed Portugal as politically secure from Communist influence, despite the fact it was one of NATO's poorest members.

In the 1950's, however, because of the slow growth of the Portuguese economy (later aggravated by the African colonial wars in the

early 1960's) Portugal requested assistance and foreign investment. The United States did extend aid, through the U.S. Operations Mission (1950-November 1956), the American Embassy at Lisbon, the Export-Import Bank, and the U.S. Mission to the European Regional Organization in Paris. This aid was used primarily in the building of hydroelectric power plants, the establishment of paper industries, and the development of agriculture. In the 1960's military assistance decreased but economic and financial aid escalated, especially after each extension of the Azores bases agreements.

Portugal became somewhat irritated over the United States stand on the colonialism question in the United Nations in the early 1960's. This discontent never extended beyond threats to deny further extensions of the treaties permitting American military bases on the Azores. There has also been occasional friction since the April 1974 revolution. All in all, however, relations between the two countries have been on a friendly basis since their inception.

Mr. FASCELL. Mr. Speaker, I rise in support of Senate Joint Resolution 55, which commemorates the 200th anniversary of United States-Portuguese diplomatic relations. I would like to commend the sponsor of the House companion measure, House Joint Resolution 100, Mr. MACHTEY, as well as the chairman and ranking member of the Committee on Post Office and Civil Service, and the chairman and ranking member of the Census Subcommittee for their efforts to bring this measure before the House today.

Clearly, American and Portuguese relations are constructed upon the solid foundation of friendship and respect. This foundation of friendship can be traced back to the Portuguese Navy's extension of protection to American shipping against the Barbary pirates in the late 18th century—an earlier version of the kind of protection that the United States Navy extended to reflagged Kuwaiti oil tankers during Operation Earnest Will. Thus, the infancy of our relations were bonded in our common interest in defeating illegal piracy on the high seas.

Our relations have also withstood the tests of time and are based upon our shared heritage and common interests. Portugal is and remains an important trading partner of the United States. Our seafaring traditions have contributed to the establishment of a Portuguese-American community of more than 1 million American citizens of Portuguese extraction.

And as we now enter the third century of United States-Portuguese diplomatic relations, we know that it is a relationship that will continue to endure and evolve. Today, as NATO partners we both share and commonly seek to solidify the achievements on the end of the cold war era. We are bound on this path together and no doubt will continue in working to make what were once dreams, realities. In this regard, it remains my hope that passage of Senate Joint Resolution 55, will contribute to the drawing of this new era on world affairs.

Mr. STARK. Mr. Speaker, I rise in support of this resolution recognizing the 200th anniversary of the establishment of diplomatic relations between the United States and Portugal.

I have one quibble with the wording of the resolution where it states "Whereas the fishing industry has contributed to the immigration of

many Portuguese to the United States, particularly to New England."

Mr. Speaker, the drafters of this resolution have obviously not been to San Leandro and San Lorenzo, CA, and the surrounding communities. There is a tremendously active Portuguese-American community in the bay area—and I will match our Portuguese-inspired seafood dishes with anything from New England.

As the lead paragraph of the resolution points out, Portuguese navigators paved the way for the discovery of the New World in the 15th century. California was first explored by a Portuguese in the service of the King of Spain named Joao Cabrilho.

I hope that as we observe the 500th anniversary of Columbus' voyages—which also coincides with the 450th anniversary of Cabrilho's voyage of discovery—that we will do more to educate the American public about the great role played by Portugal in the development of the New World.

Mr. STUDD. Mr. Speaker, I rise in strong support of House Joint Resolution 100. As a proud cosponsor of this measure to commemorate the bicentennial of United States-Portuguese diplomatic relations, I urge its approval by the House.

Portugal is a friend, a trading partner, a fellow maritime nation, and a NATO ally whose ties to this country—particularly southeastern Massachusetts—are as close today as they were in February 1791, when Congress ratified President Washington's nominee as the first U.S. diplomatic minister to Portugal. This legislation celebrates those historical ties, pledges continued friendship and cooperation between the Portuguese and American people, and authorizes the President to issue a proclamation for the bicentennial of diplomatic relations.

Like American history, the Portuguese past is replete with heroes and heroines, philosophers and poets. From the European Continent to the Azores, from Brazil and Angola, every corner of the world has been touched by the Portuguese people. Similarly, 1 million Americans trace their roots back to Portugal. From San Diego to New Bedford, our country is richer for their contribution.

The city of New Bedford, MA, which I have the honor of representing in the Congress, has very strong ties to Portugal. Our community resounds with Portuguese music, cheers the local soccer clubs, feasts on Portuguese delicacies, and is sustained by the hard-working tradition of the Portuguese people.

This legislation celebrates 200 years of friendship between the United States and Portugal. I hope the next 200 years bring continued warmth on both sides of the Atlantic Ocean.

Mr. ABERCROMBIE. Mr. Speaker, in connection with the anniversary of the establishment of diplomatic relations between Portugal and the United States, I would like to draw your attention to the contributions of the Portuguese community in Hawaii.

The first Portuguese came to Hawaii as sailors aboard whaling and merchant vessels in the early 19th century. Hawaii's need for labor on our sugar plantations brought a wave of Portuguese immigration around the turn of the century. Those immigrants were the founders

of a community that now numbers more than 50,000.

Portuguese-American professionals, public officials, workers, educators, and business men and women are counted prominently among the builders of modern Hawaii. They were pivotal in the fight to achieve social justice. Their efforts helped shape our State's infrastructure and economy.

That is why I take this opportunity today to salute the achievements of Hawaii's Portuguese community at the same time we mark the bicentennial of Portuguese-United States diplomatic relations.

□ 1250

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RAY). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the Senate joint resolution (S.J. Res. 55).

The question was taken.

Mr. MACHTELEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on Senate Joint Resolution 55, the Senate joint resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMENDING THE PEACE CORPS ON ITS 30TH ANNIVERSARY

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 76) commending the Peace Corps and the current and former Peace Corps volunteers on the 30th anniversary of the establishment of the Peace Corps, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. BROOMFIELD. Reserving the right to object, Mr. Speaker, I do so to afford the gentleman from Indiana an opportunity to explain the purpose of this resolution, and I yield to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I thank the gentleman from Michigan for yielding to me.

Mr. Speaker, today I offer for consideration Senate Joint Resolution 76, which pays tribute to the Peace Corps on this, its 30th anniversary.

It is hard to believe that it's been 30 years since President Kennedy issued the call to our Nation's young people to join what was then nothing more than a notion. It was a notion of what Americans could and should be doing to help those less fortunate around the world. It didn't take long for that notion to become one of our country's most admired achievements.

Recent months have seen dramatic changes around the globe. In central Europe, in Latin America, and in Africa, emerging democracies have requested the kind of assistance that only Peace Corps can provide. Volunteers are teaching English in central Europe and will soon be helping the people of Uruguay. Volunteers are serving in more countries now than ever before.

This people-to-people effort is the hallmark of what the volunteer experience is all about. It is a movement that, 30 years later, continues to draw Americans from all walks of life. The number of those wanting to serve continues to exceed recruiting requirements. I am proud to say that well over 2,000 Hoosiers have answered President Kennedy's call.

This resolution will serve as a statement of this body's gratitude for the sacrifice and dedication of these fine men and women who have done so much to further our goals of world peace and understanding. They have taught the world much about the giving nature of Americans and they have taught Americans much about the world.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to congratulate the Peace Corps on its 30th anniversary and my colleague, the gentleman from Michigan [Mr. PAUL HENRY], who is a former Peace Corps volunteer and the principal author of this legislation, and who will be speaking on this matter shortly.

In a speech at the University of Michigan, Senator John F. Kennedy, campaigning for the Presidency, announced his intention to create the Peace Corps. On March 1, 1961, the newly elected President Kennedy kept his campaign promise, issuing an Executive order that called for the establishment of the Peace Corps. In the 30 years since, over 125,000 men and women have volunteered to serve in the Peace Corps. These individuals have reached out to over 100 countries, providing the necessary skills to help some of the poorest people of the world meet basic living requirements.

The 1980's were a time of tremendous growth for the Peace Corps, growth not witnessed since the Peace Corps' early days. We can thank former Director Loret Ruppe, another Michigander, who is now U.S. Ambassador to Norway, for initiating this expansion, which continues today under Director Paul Coverdell. Currently, over 6,000 Peace Corps volunteers work in more than 70 nations. With plans to begin programs in 14 new countries this year, the Peace Corps is well on its way to the congressionally mandated goal of 10,000 volunteers worldwide.

This resolution recognizes that for three decades volunteers of the Peace Corps have served the goals of world peace and friendship. President Bush hopes to sign this resolution on the March 1 anniversary. I urge my colleagues to support Senate Joint Resolution 76, and grant the Peace Corps the further recognition it deserves.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. HENRY], the sponsor of this legislation.

Mr. HENRY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would also like to thank the gentleman from Indiana [Mr. HAMILTON], as well as the gentleman from Michigan [Mr. BROOMFIELD], for facilitating the timely consideration of this resolution.

As my colleague, the gentleman from Michigan, has pointed out, we take unique pride in Michigan because it was on the steps of the Ann Arbor Commerce Building of the University of Michigan 30 and a quarter years ago that a young Senator by the name of John Fitzgerald Kennedy, first proposed the concept of a citizen cadre of volunteers that would go across the world to demonstrate American values, American enthusiasm, and share what we had, both by way of commitment to democratic ideals, but also technical skills, to people around the world.

Over the years, as we stated, over 125,000 volunteers have responded to that call.

Mr. Speaker, I would also like to point out with some degree of pride the number of Members of this body who have served as Peace Corps volunteers: The gentleman from Wisconsin [Mr. PETRI] served as a Peace Corps volunteer. The gentleman from Ohio [Mr. HALL], the gentleman from Connecticut [Mr. SHAYS], the gentleman from Washington [Mrs. UNSOELD], the gentleman from New York [Mr. WALSH], as well as myself—six Members of this House today, Mr. Speaker, are former Peace Corps volunteers.

Further, three Members of this House formerly served in professional staff positions with the Peace Corps: the gentleman from Wisconsin [Mr. MOODY], the gentlewoman from South Carolina [Mrs. PATTERSON], and the gentleman from Michigan [Mr. WOLPE]. So the Peace Corps is well-sprinkled

throughout this body with people who have shared in that vision.

I also want to express my very high regard for the recent leadership in the Peace Corps. There is no doubt that under the directorship of Loret Ruppe, and now the equally vigorous leadership of Mr. Coverdell, that the Peace Corps continues to innovate and branch its programs in new areas that hitherto we have not been called to serve, programs particularly in central Europe, where immediate assistance and new kinds of programs and technical education, technical engineering, particularly the teaching of English to the newly emerging democracies, have proven to be an important new role for the Peace Corps.

I also take some pride in the increased competitiveness of the Peace Corps. Many Americans are not aware of the fact that only one out of every six candidates for admission to the Peace Corps Program is ever accepted for service. I say that not by way of trying to discourage anyone from applying, but simply to point out that Americans can take pride in the character and the integrity and the quality of the people representing this Nation in over 100 countries in the world.

□ 1300

Thanks again to the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Michigan [Mr. BROOMFIELD] for very generously supporting the quick and prompt consideration of this resolution.

Mr. FASCELL. Mr. Speaker, I rise today in support of Senate Joint Resolution 76, a resolution recognizing the Peace Corps on its 30th anniversary.

This Friday, March 1, marks the 30th anniversary of the issuance of the Executive order creating the Peace Corps. President Kennedy issued a challenge to our Nation's young people to give 2 years of their lives to help needy people around the world help themselves.

Thirty years later, I can say with certainty that this challenge has been met and, indeed, surpassed, by over 125,000 Americans. The Peace Corps is now serving in more countries than ever before, with volunteers in over 70 countries.

Early next month, the first group of volunteers ever will be sent to Romania to help teachers learn about modern special education techniques. These techniques will be applied in the education of that Nation's vast number of orphaned children.

From the time the first 50 volunteers set off to teach English in the secondary schools of Ghana in August 1961, Peace Corps volunteers have offered their talents and skills wherever they are needed. Whether it be combating malaria in Kenya, or teaching farming techniques in Honduras, their mission remains the same: People-to-people assistance to fight the complex human problems of hunger, disease, poverty, and illiteracy.

In so doing, volunteers enhance global understanding and peace. These individuals serve as goodwill ambassadors to a world that

often knows very little about our country. As Sargent Shriver, the first Peace Corps Director noted, "These men and women are our finest. To my mind they will serve abroad with a distinction in which all Americans can take pride. They are Americans whose very act of volunteering represents the highest dedication * * * And when they return home, they bring with them an enhanced understanding of the world and the challenges of building a lasting peace."

Mr. Speaker, we all are enriched by the experiences of these dedicated volunteers. This anniversary provides us with the opportunity to publicly acknowledge their contributions to building a better world and to express our deepest gratitude for their service.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. RAY). Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 76

Whereas, on March 1, 1991, the Peace Corps of the United States of America concludes 30 years of promoting world peace and friendship, making available volunteers to help the people of other countries to meet their needs, and promoting mutual understanding between such peoples and the American people;

Whereas over 125,000 Americans have served in the Peace Corps in over 100 countries around the world;

Whereas Peace Corps programs and the efforts of individual volunteers have added significantly to mutual understanding between the people of the United States and the peoples of other countries;

Whereas Peace Corps volunteers work with their host country counterparts in seeking long-term solutions to complex human problems through efforts in education, agriculture, health, the environment, urban development, and small business;

Whereas Peace Corps volunteers have returned to their communities enriched by their experiences, more knowledgeable of the world, and more understanding of the challenges of building a lasting peace;

Whereas former Peace Corps volunteers continue to maintain friendships with the people of the countries with whom they served, thereby furthering the goals of international understanding and peace;

Whereas former Peace Corps volunteers continue to engage in volunteer-related activities in the United States, including activities that meet educational and other needs in the United States;

Whereas Peace Corps volunteers are now serving in more countries than ever before in all regions of the world; and

Whereas the response of Americans to the Peace Corps' call to serve continues to exceed the Peace Corps' recruiting requirements: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, on the occasion of the thirtieth anniversary of the establishment of the Peace Corps, the Congress (1) commends the Peace Corps and all those who have served as Peace Corps volunteers for the great contributions they have made to world peace and understanding, to the betterment of the lives of the citizens of the countries where volunteers have served, and

to our own country, (2) reaffirms the United States' commitment, through the Peace Corps, to help peoples in countries around the world to meet their needs, and (3) urges the President to issue a proclamation commending Peace Corps volunteers for their service in the promotion of world peace and understanding.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HAMILTON] is recognized for 1 hour.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman for yielding.

I also thank the gentleman from Michigan [Mr. HENRY] for sponsoring this resolution.

Mr. Speaker, I rise in support of House Joint Resolution 131 which commends the Peace Corps, and the current and former Peace Corps volunteers, on the 30th anniversary of the establishment of the Peace Corps.

Mr. Speaker, since its inception, the members of the Peace Corps have been fine ambassadors on behalf of the United States to foreign countries. They have contributed tremendously to establishing good will as well as lending technical assistance to the host country. Many successful economic programs in host countries were due largely to the technical expertise provided by the Peace Corps.

Mr. Speaker, I recently returned from a codel trip to Tonga and Western Samoa in the South Pacific. During my trip I received briefings from representatives of the Peace Corps. For the record, I want to state that I was thoroughly impressed with the Peace Corps activities in these countries and I want to especially commend Director Paul Coverdell and his staff for their keen leadership of the Peace Corps. I also would like to specifically commend Director Coverdell for the operation of the World Wise Program in the States and territories. This program has certainly helped bring our world closer together.

Mr. Speaker, my only regret is that we are not providing sufficient Federal funding for the Peace Corps. Yet, the Peace Corps budgetary request amounts to only one quarter of the cost of one Stealth bomber. Perhaps we need to reassess our priorities.

Mr. Speaker, I strongly urge my colleagues to support the passage of House Joint Resolution 131.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CREDIT UNIONS: IF THEY'RE NOT BROKE, DON'T FIX THEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, my belief that credit unions are the shining star of the financial services industry has been reaffirmed after thoroughly reviewing the annual report of the National Credit Union Share Insurance Fund.

Many of us are well aware, Mr. Speaker, of the credit union difference—that credit unions are member-owned financial cooperatives, operated not for the profit of an anonymous group of corporate shareholders, but rather to provide basic, low-cost financial services to over 50 million Americans.

"Not for profit, not for charity, but for service" is the motto of American credit unions, and from the early part of this century, credit unions have admirably met the goals embodied in that motto.

But there is another credit union difference. Credit unions' success cannot be measured only by the service they have provided to millions of Americans, many of whom would have been without low-cost, basic financial services had credit unions not been there to fill the void. As the 1990 report of the National Credit Union Share Insurance Fund [NCUSIF] makes very clear, after a decade in which banks and S&L's suffered record losses, credit unions are America's safest and soundest institutions.

Some might think that cooperative financial institutions, democratically operated by their savers and borrowers on a one-man-one-vote manner, would be confronted with irresistible temptations to make bad loans, pay excessive rates on savings, and—in short—lose money. On the other hand, some might think that corporate financial institutions operated by profit-motivated shareholders through independent boards of directors would be guaranteed financial success. However, the facts of the matter prove that such generalizations do not hold up to close scrutiny. Mr. Speaker, I would like to spend a few moments reviewing these facts.

First, credit unions' insurance fund is strong, especially when compared to its counterpart.

Since 1987, the FDIC's Bank Insurance Fund [BIF] has declined from a reserve-to-insured-deposit ratio of 1.10 percent to under 0.50 percent at the end of 1990, and is predicted by the FDIC to be in the range of 0.20 percent by the end of this year. While BIF will have been reduced by a shocking 80 percent during the 5-year period ending this year—and other reputable experts suggest that this estimate may be optimistic—the credit union insurance fund has remained at a constant reserve ratio of 1.25 percent. This is the level which Congress mandated in 1989 as a goal for the bank fund, a goal which will clearly remain unachieved as far as the eye can see.

Second, losses experienced by the credit union fund are decreasing.

Insurance losses per \$1,000 in insured accounts decreased from 58 cents in 1989 to 51 cents in 1990. Additionally, while the bank fund's net losses for 1990 grew by fivefold to approximately \$4.5 billion, the NCUSIF posted a net gain of \$35 million, an increase of 44 percent over the previous year.

Third, credit unions themselves are faring quite well. Consider that:

(1) Credit unions' average core capital ratio stands at 7.5 percent and is increasing, whereas the average core capital ratio for FDIC-insured institutions is under 6.5 percent;

(2) The delinquency rate for credit union loans is at a decade-long low of 1.6 percent and has been decreasing in recent years, while the loan delinquency rate for FDIC-insured institutions is nearly two-thirds higher at 2.65 percent and has been rising in recent years.

(3) The number of troubled credit unions has declined by one-third in the last 2 years, from 1,022 to 678—or just 5.2 percent of all federally insured credit unions—while the number of troubled banks stands at 1,006, or 8.1 percent of FDIC-insured institutions; and,

(4) Credit unions' profitability has remained steady while bank earnings have been lower and in a state of decline. Credit unions' rate of return on assets has consistently averaged over 0.90 percent in recent years, while the same measure of profitability for banks has averaged below 0.70 percent for most of the last 10 years and has been gradually declining.

Credit unions have achieved these successes not by entering new, risky, and previously unknown lines of business, but by sticking to their knitting. By focusing not on untraditional activities but, rather, on better ways to deliver basic financial services, credit unions have survived—indeed prevailed—during difficult financial times which have resulted in massive failures of other types of financial institutions.

In no region of the country are credit unions' relative strength resulting from these prudent practices more clearly defined than in the State of Texas, where more banks and S&L's have failed than in any other State in the Nation. During three of the most difficult years for financial institutions in Texas, 1986 through 1988, credit unions have far outperformed other financial institutions.

During these years, Texas credit unions were considerably more profitable than their counterparts; their return on assets averaged 1.27 percent, compared to 0.73 percent for Texas banks and minus 3.1 percent for Texas S&L's.

Texas credit unions were also considerably more solvent; their average capital ratio was 5.3 percent, compared to Texas banks' average capital ratio of 2.83 percent and minus 27 percent for S&L's.

The asset quality of Texas credit unions was considerably better as well. Problem assets as a percentage of total assets averaged only 1.33 percent for Texas credit unions during these years, compared to 4.37 percent for Texas banks and 31 percent for Texas S&L's.

One would think, Mr. Speaker, that after compiling this tremendous track record of meeting consumer needs while simultaneously establishing themselves as America's safest and soundest financial institutions, credit unions would be sought out and commended for their exemplary accomplishments. Once again, appearances prove to be deceptive, and reality has proven contrary to expectations.

After years of serious, yet unwarranted attacks from the Nation's bankers, the Treasury Department had added its voice to those who have unjustly criticized credit unions. In its recently released report on deposit insurance reform, Treasury has recommended that credit unions alter both the structure of the NCUSIF and the independent regulatory agency which administers the fund and regulates credit unions, the National Credit Union Administration [NCUA].

Both changes are designed to make credit unions more closely resemble the less successful banking system. In so doing, the Treasury recommendations violate two rules of effective public policy.

The first rule is: If it ain't broke, don't fix it. From the statistics cited above, it is clear that credit unions are enjoying great success in both real and relative terms during very difficult times. Until such a time when credit unions begin to face problems even closely resembling those confronting the banking industry, I believe it would be highly irresponsible to make any dramatic or harmful changes in the way they do business.

Very often, Federal policymakers are justly criticized by the American people for proposing changes in successful enterprises for no reason, except perhaps to make themselves look busy. I believe that there is no greater folly in government than to abandon practices and policies that have withstood the test of time and have repeatedly and overwhelmingly met with proven success, merely for the sake of change.

To exchange the tried and true for the untested and the unknown—especially when there are no facts specific to the matter at hand to indicate that the old ways are bad and the new ways are good—is risky and often foolhardy business. Yet, such is the case with the currently proposed credit union reform proposals.

The second rule of effective public policy-making is that success should be emulated. When certain practices and policies have met their objective, when an initiative has succeeded where others have failed, policymakers have an obligation to learn what they can from such experiences and apply these lessons elsewhere. This rule too is violated by the various credit union reform proposals which have been proposed.

It has been said that such reform proposals are necessary in order to bring credit union regulation up to the standards of bank regulation.

This statement is puzzling. Is it not the bank insurance fund that has declined by 80 percent in 5 short years and is soon to be insolvent, while the credit unions' fund has grown?

Is it not the banks that have been closing in record high numbers, while the credit unions have closed in record low numbers?

Do credit union capital standards—which have resulted in average capital of 7.5 percent—need to be brought up to bank capital standards, which stand at 6.45 percent?

Have not the credit unions' loan delinquency rates reached new lows while the banks' delinquency rates hit new highs. I can go on and on.

Yet, it is the credit unions which must change and come up to bank standards, so

credit union critics argue. The logic of these so-called proposals is questionable.

It has been proposed that an official of the new Federal bank agency be appointed to serve on the board of the National Credit Union Administration for the purpose of keeping credit union regulation up to bank standards. It would seem to me that they have it backward—I suggest that perhaps Congress should require credit union regulators to have a say in banking regulation to guarantee that it be kept up to the clearly higher credit union standards. This would make a lot more sense than the vice versa.

It has also been suggested that credit unions abandon their deposit-based insurance fund and adopt a structure identical to the FDIC's Bank Insurance Fund. Yet proponents of this approach fail to point out several important facts.

First, the unique structure of the NCUSIF has allowed the fund to grow at the same rate as the institutions it insures and double in size since 1985, while the FDIC's strength has declined by over one-half during the same period. Are these losses what make FDIC the preferable structure?

The second point proponents of this change fail to note is that if the NCUSIF structure were in place today at the FDIC, the Bank Insurance Fund would have at least twice as much money in reserves as it does today and Congress would not need to consider legislation to recapitalize it. I ask you, which is the better structure?

Last, these critics also ignore the fact that—unlike the structure employed by the FDIC and the former FSIC—the NCUSIF structure provides for a fail-proof insurance fund which would require insured institutions to use the very last dime of their own capital before turning to the taxpayers to bail out their insurance fund. Again, I ask which structure is preferable: The one which requires an industry bailout of a troubled fund or the one which requires a taxpayer bailout.

Consider one last area which demonstrates the extent to which we have witnessed the Alice in Wonderland, world-turned-upside-down assumptions which surround these so-called credit union reforms.

Those who have proposed such dramatic, needless, and counter-productive measures for a credit union system that is clearly working have remained oddly silent on the premier deposit insurance issue facing the United States today—the recapitalization of the Bank Insurance Fund. The bank fund, I remind you, is currently being measured by those inside and outside the executive branch of Government not by the amount of funds available today, but the extent to which the fund will be in default in the near future.

It is mind-boggling that those who have abdicated their responsibility to address precisely how we as a nation should respond to an imminent, multibillion dollar taxpayer bailout of a second deposit insurance fund apparently prefer to dabble in harmful changes to the one system in which taxpayers are protected from such a bailout and which is enjoying unequalled success in every conceivable area.

Congress should approach suggestions to fiddle around with that which works with extreme caution, especially while the structure of

deposit insurance burns before us and remains unaddressed.

That is why I have introduced the Bank Account Safety and Soundness Act (H.R. 31) which would adopt the NCUSIF structure and apply it to the FDIC. This would result in an immediate inflow of a much needed \$25 billion into the Bank Insurance Fund, guarantee that this fund would never again drop any lower than twice its current level, and protect the taxpayers from being asked once more to pick up the tab for another deposit insurance fund failure.

Success, not failure, is to be emulated, Mr. Speaker, not eliminated. Rather than making needless and detrimental changes to a credit union system which is outperforming every other segment of the financial sector in every way imaginable, we should learn from it and apply its success whenever possible to where we find failure.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MACHTLEY) to revise and extend their remarks and include extraneous material:)

Mr. ROGERS, for 60 minutes, on March 5.

Mr. BURTON of Indiana, for 60 minutes each day, on March 5, 6, and 7.

(The following Members (at the request of Mr. FALOMAVAEGA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HAYES of Illinois, for 5 minutes, on February 27.

Mr. EDWARDS of California, for 60 minutes, on March 19.

Mr. GONZALEZ, for 60 minutes, on March 4, 7, 8, 11, 14, 15, 18, and 21.

Mr. FALOMAVAEGA, for 60 minutes, on March 7, 11, 14, and 15.

Mr. OWENS of New York, for 60 minutes, on March 4, 5, 6, 7, 8, 11, 12, 13, 14, and 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MACHTLEY) and to include extraneous matter:)

Mr. GOODLING.

Mr. COUGHLIN.

Mr. GINGRICH.

Mr. SOLOMON.

Mr. PETRI.

(The following Members (at the request of Mr. FALOMAVAEGA) and to include extraneous matter:)

Mr. DIXON.

Mr. STOKES in two instances.

Mr. LANTOS.

Mr. VENTO.

Mr. STARK in three instances.

Mr. MATSUI in two instances.

Mr. ROEMER.

Mr. MARKEY.

Mr. FUSTER.

Mr. TOWNS.

Mr. MILLER of California.

Mr. LEHMAN of Florida.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 320. An act to reauthorize the Export Administration Act of 1979, and for other purposes; to the Committees on Foreign Affairs and the Judiciary.

S.J. Res. 50. Joint resolution to designate April 6, 1991, as "National Student-Athlete Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 53. Joint resolution to designate April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 56. Joint resolution to designate the period commencing March 10, 1991, and ending on March 16, 1991, as "Deaf Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 59. Joint resolution designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

S.J. Res. 62. Joint resolution to designate the month of March 1991, and the month of March 1992, as "Women's History Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 63. Joint resolution to designate June 14, 1991, as "Baltic Freedom Day"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. FALOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 27, 1991, at 2 p.m.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

711. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide for recovery of costs associated with furnishing tobacco statistics or estimates and other marketing information to tobacco growers; to the Committee on Agriculture.

712. A letter from the Comptroller of the Department of Defense, transmitting two reports of violations that occurred in the Department of the Army and the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

713. A letter from the the Comptroller of the Department of Defense, transmitting one report of violation that occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

714. A letter from the Department of the Air Force, transmitting notice that the Air Force plans to conduct the cost comparisons for base operating support at Avon Park Bomb and Gunnery Range, FL, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

715. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's Defense manpower requirements report for fiscal year 1992, pursuant to 10 U.S.C. 115(b); to the Committee on Armed Services.

716. A letter from the Assistant Secretary of Defense, transmitting notification that the annual report on national defense stockpile [NDS] will be delayed this year because of the extended time required to determine strategic and critical material requirements; to the Committee on Armed Services.

717. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend title X of the Public Health Service Act to authorize a program of grants to States for family planning services; to the Committee on Energy and Commerce.

718. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend title XX of the Public Health Service Act to authorize appropriations for the adolescent family life program; to the Committee on Energy and Commerce.

719. A letter from the Department of State, transmitting the 14th annual report on Americans incarcerated abroad, pursuant to 42 U.S.C. 2151n-1; to the Committee on Foreign Affairs.

720. A letter from the clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1990 through December 31, 1990, pursuant to 2 U.S.C. 104a (H. Doc. No. 102-46); to the Committee on House Administration and ordered to be printed.

721. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

722. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

723. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

724. A letter from the Adjutant General, the United States Spanish War Veterans, transmitting the proceedings of the 91st national encampment held in Toledo, OH, September 8 to 13, 1989, pursuant to 44 U.S.C. 1332 (H. Doc. No. 102-47); to the Committee on Veterans' Affairs and ordered to be printed.

725. A letter from the Executive Director, Resolution Trust Corporation, transmitting

the status report for the month of January, 1991, review of 1988-89 FSLIC assistance agreement, pursuant to section 21A(b)(1)(B) of the Federal Home Loan Bank Act; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

726. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize funds for construction of highways, for highway safety programs, for mass transportation programs, and for other purposes; jointly, to the Committees on Public Works and Transportation, Ways and Means, and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN:

H.R. 1109. A bill to prohibit the Resolution Trust Corporation from abrogating residential leases for dwelling units located in low vacancy areas subject to rent control, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KOSTMAYER (for himself, Mrs.

MORELLA, Mr. ABERCROMBIE, Mr. ATKINS, Mr. BEILENSON, Mr. BERMAN, Mr. BOEHLERT, Mr. BOUCHER, Mrs. BOXER, Mr. BROWN, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CAMPBELL of California, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. COOPER, Mr. DEFazio, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKS, Mr. DIXON, Mr. DOWNEY, Mr. DURBIN, Mr. DYMALLY, Mr. ENGEL, Mr. ESPY, Mr. EVANS, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FROST, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GRAY, Mr. GREEN, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HOYER, Mrs. JOHNSON of Connecticut, Mr. JOHNSTON of Florida, Mr. KENNEDY, Mrs. KENNELLY, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEVINE of California, Mr. MACHTELY, Mr. MARKEY, Mr. MATSUI, Mr. McDERMOTT, Mr. McHUGH, Mr. MILLER of California, Mr. MFUME, Mr. MINETA, Mr. MOODY, Mr. MORRISON, Mr. MRAZEK, Mr. NAGLE, Mr. OWENS of New York, Mr. PANETTA, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PORTER, Mr. PRICE, Mrs. ROUKEMA, Mr. ROYBAL, Mr. SABO, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Mr. SKAGGS, Mr. SMITH of Florida, Mr. STARK, Mr. STUDDS, Mr. SWIFT, Mr. UDALL, Mrs. UNSOELD, Mr. WASHINGTON, Mr. WAXMAN, Mr. WEISS, Mr. WILSON, Mr. WOLPE, and Mr. WYDEN):

H.R. 1110. A bill to authorize increased funding for international population assistance and to provide for a United States contribution to the United Nations Population Fund; to the Committee on Foreign Affairs.

By Mr. DELLUMS (for himself, Mr.

BILBRAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DE LUGO, Mr. EDWARDS of California, Mr. ENGEL, Mr. EVANS, Mr. FROST, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. JEFFERSON, Mr. MFUME, Mr. MINETA, Mr. OWENS of New York, Mr. PANETTA, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. ROYBAL, Mr. SABO, Mr. SERRANO, Mr. SHAYS, Mr. SLATTERY, Mr. STARK, Mr. TORRES,

Mr. TOWNS, Mr. VENTO, and Mr. WASHINGTON):

H.R. 1111. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; jointly, to the Committees on Foreign Affairs; Armed Services; Intelligence (Permanent Select); Interior and Insular Affairs; Banking, Finance and Urban Affairs; Ways and Means; Rules; and Energy and Commerce.

By Mr. MARKEY:

H.R. 1112. A bill to amend the Internal Revenue Code of 1986 to require any general election candidate who receives amounts from the Presidential election campaign fund to participate in debates with other such candidates; to the Committee on House Administration.

By Mr. MATSUI:

H.R. 1113. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement plans to pay for higher education expenses by taxpayers or their children or grandchildren; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. SCHULZE, and Mr. BONIOR):

H.R. 1114. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement plans for first home acquisitions by taxpayers or their children or grandchildren; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. AUCOIN, Mrs. JOHNSON of Connecticut, and Mr. SCHULZE):

H.R. 1115. A bill to amend the Trade Act of 1974 to provide for the review of the extent to which foreign countries are in compliance with bilateral trade agreements with the United States; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Ms. PELOSI, Mr. POSHARD, Mr. BERMAN, Mr. YATES, Mr. STARK, Mr. FROST, Mr. APPLEGATE, Mr. RANGEL, Mr. FAZIO, Mr. TOWNS, Mrs. BOXER, Mr. KOPETSKI, Mr. ANDREWS of New Jersey, Mr. CAMPBELL of Colorado, Mr. BONIOR, Mr. LIPINSKI, Mr. FRANK of Massachusetts, Mr. JONTZ, Mr. LANCASTER, Mr. MURTHA, Mr. DELLUMS, Mr. VENTO, and Mr. DEFazio):

H.R. 1116. A bill to permit certain coal miners and their survivors to have their claims reviewed under the Black Lung Benefits Act; to the Committee on Education and Labor.

By Mrs. ROUKEMA:

H.R. 1117. A bill to amend the Higher Education Act of 1965 to improve needs analysis in the student aid programs under that act; to the Committee on Education and Labor.

H.R. 1118. A bill to amend the Higher Education Act of 1965 to reduce student loan defaults, and for other purposes; to the Committee on Education and Labor.

By Ms. SNOWE:

H.R. 1119. A bill to provide for the applicability of combat-related tax benefits to certain additional participants in the Persian Gulf conflict; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mr. BACCHUS, Mr. BOUCHER, Mrs. BOXER, Mrs. COLLINS of Illinois, Mr. DEFazio, Mr. DELLUMS, Mr. DICKS, Mr. DIXON, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. ENGLISH, Mr. EVANS, Mr. FAZIO, Mr. FOGLIETTA, Mr. GEJDENSON, Mr. GILMAN, Mr. HERTEL, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. JEFFERSON, Mr. JOHNSON of South Dakota,

Ms. KAPTUR, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LEWIS of Florida, Mr. LIPINSKI, Mrs. LLOYD, Mr. MFUME, Mrs. MORELLA, Mr. MURTHA, Mr. OBERSTAR, Mr. PEASE, Ms. PELOSI, Mr. PENNY, Mr. POSHARD, Mr. RANGEL, Mr. REGULA, Mr. ROE, Mr. SERRANO, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Ms. SNOWE, Mr. TOWNS, Mr. WALSH, Mr. WISE, and Mr. WYDEN).

H.R. 1120. A bill to amend title XVIII of the Social Security Act to provide coverage of respiratory therapy under the Medicare Program as part of extended care services in a skilled nursing facility; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. VOLKMER:

H.R. 1121. A bill to amend the Trade Act of 1974 to provide temporary import surcharges to compensate for the disproportionate cost to the United States of America of the Persian Gulf war of 1991; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mr. FIELDS, Mr. LENT, Mr. BILIRAKIS, Mr. SCHAEFER, Mr. ECKART, and Mr. RINALDO):

H.J. Res. 147. Joint resolution relating to telephone rates and procedures for members of the U.S. Armed Forces deployed in the Persian Gulf conflict; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

By Mr. DYMALLY:

H.J. Res. 148. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Henry Ossian Flipper; to the Committee on Post Office and Civil Service.

By Mr. HUNTER (for himself, Mr. BALLENGER, Mr. BAKER, Mr. BATEMAN, Mr. BILIRAKIS, Mr. BUSTAMANTE, Mr. COX of California, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. DREIER of California, Mr. GOSS, Mr. HERGER, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. OXLEY, Mr. ROHRBACHER, Ms. ROS-LEHTINEN, Mr. SOLOMON, Mrs. VUCANOVICH, and Mr. ZELIFF):

H. Con. Res. 73. Concurrent resolution to express the sense of the Congress concerning the shooting down of a U.S. Army helicopter and murder of the survivors, two members of the U.S. Army, by the Farabundo Marti National Liberation Front [F.M.N.L.F.]; to the Committee on Foreign Affairs.

By Mr. LENT:

H. Con. Res. 74. Concurrent resolution authorizing the 1991 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Public Works and Transportation.

By Mr. RINALDO:

H. Con. Res. 75. Concurrent resolution expressing the sense of the Congress with respect to the strengthening and expansion of the missile technology control regime; to the Committee on Foreign Affairs.

By Mr. GAYDOS:

H. Res. 92. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. CONYERS (for himself and Mr. HORTON):

H. Res. 93. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the

first session of the 102d Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BOXER:

H.R. 1122. A bill for the relief of Lois Evelyn Shaff; to the Committee on the Judiciary.

H.R. 1123. A bill for the relief of Howard W. Waite; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. COLEMAN of Texas, Ms. LONG, Mr. McMILLEN of Maryland, Mr. PETRI, Mr. LIVINGSTON, Mr. WALKER, Mr. PICKLE, Mr. PARKER, Mr. BENNETT, Mr. BOEHNER, Mr. KOLBE, Mr. SCHIFF, Mr. WELDON, and Mr. ZELIFF.

H.R. 77: Mr. BURTON of Indiana, Mr. GOSS, Mrs. VUCANOVICH, Mr. ECKART, Mr. ZIMMER, Mr. PACKARD, Mr. PETRI, Mr. CAMPBELL of Colorado, and Mr. HERTEL.

H.R. 78: Mrs. VUCANOVICH, Mr. BACCHUS, and Mr. COX of California.

H.R. 90: Mr. FLAKE, Mr. MANTON, Mr. LEHMAN of Florida, Mr. KOSTMAYER, Mr. DWYER of New Jersey, Mrs. LOWEY of New York, Mr. MAZZOLI, Mr. FASCELL, and Mr. SERRANO.

H.R. 111: Mr. BREWSTER, Mr. SPENCE, Mr. PETERSON of Florida, Mr. HEFNER, Mr. PAYNE of Virginia, Mr. PARKER, Mr. STAGGERS, Mr. REED, Mr. QUILLEN, Mr. HARRIS, Mr. STENHOLM, Mr. JENKINS, Mr. RICHARDSON, Mr. EDWARDS of California, and Mr. LAUGHLIN.

H.R. 116: Mr. RAVENEL, Mr. DE LUGO, and Mr. SPRATT.

H.R. 179: Mr. GEJDENSON, Mr. JONES of North Carolina, Mr. BRUCE, Mr. MOLLOHAN, Mr. PETERSON of Florida, Mr. PRICE, and Mr. PACKARD.

H.R. 303: Mr. CALLAHAN and Mr. RITTER.

H.R. 311: Mr. PARKER.

H.R. 460: Mr. SANDERS and Mr. DWYER of New Jersey.

H.R. 535: Mr. INHOFE.

H.R. 587: Mr. CAMPBELL of California.

H.R. 639: Mr. PAYNE of Virginia, Mr. PACKARD, Mr. GOSS, Mr. FAWELL, Mr. RINALDO, Mr. HEFLEY, Mr. DANNEMEYER, Mr. CHANDLER, Mr. DORNAN of California, Mr. COX of California, Mr. ZELIFF, Mr. SCHIFF, Mr. SOLOMON, and Mr. FRANKS of Connecticut.

H.R. 652: Mr. EARLY.

H.R. 724: Mrs. KAPTUR.

H.R. 735: Mr. LIGHTFOOT.

H.R. 763: Mr. CONYERS, Mr. HAYES of Illinois, Mr. BACCHUS, Mr. RAVENEL, Mr. FLAKE, and Mr. RAHALL.

H.R. 773: Mr. LAGOMARSINO.

H.R. 830: Mr. WYDEN, Mr. CAMPBELL of Colorado, and Mr. RAVENEL.

H.R. 902: Mr. SISISKY, Mr. OLIN, and Mr. SLAUGHTER of Virginia.

H.R. 905: Mr. SUNDQUIST.

H.R. 1052: Mrs. PATTERSON, Mr. SMITH of Florida, Ms. MOLINARI, Mr. RANGEL, Mr. RAVENEL, and Mr. LAGOMARSINO.

H.J. Res. 58: Mr. CALLAHAN, Mr. COBLE, Mr. CARPER, Mr. GREEN of New York, Mr. FORD of Michigan, Mr. BENNETT, Mr. KENNEDY, Mr. SKAGGS, Mr. JOHNSON of South Dakota, Mrs.

MORELLA, Mr. TOWNS, Mr. CARR, and Mr. WEISS.

H.J. Res. 73: Mr. VENTO, Mr. NAGLE, Mr. SANDERS, and Mr. JEFFERSON.

H.J. Res. 81: Mr. SOLOMON and Mr. CALLAHAN.

H.J. Res. 95: Mr. CLINGER, Mr. SANTORUM, Mrs. VUCANOVICH, Mr. SHAW, Mr. LEVIN of Michigan, Mr. FISH, Mr. DWYER of New Jersey, Mr. MFUME, Mr. DE LA GARZA, and Mr. MARTIN of New York.

H.J. Res. 97: Ms. KAPTUR, Mr. LEVIN of Michigan, Mr. PAYNE of New Jersey, Mr. JOHNSON of South Dakota, Mr. EVANS, Mr. SMITH of Texas, Mr. COSTELLO, Mr. FORD of Michigan, Mr. YOUNG of Florida, Mr. WHEAT, Mr. NATCHER, Mr. GONZALEZ, Mrs. MEYERS of Kansas, and Mr. BATEMAN.

H.J. Res. 98: Mr. ACKERMAN, Mr. APPLEGATE, Mr. BEVILL, Mr. BROWN of California, Mr. CLEMENT, Mr. DE LUGO, Mr. EMERSON, Mr. ESPY, Mr. EVANS, Mr. FORD of Tennessee, Mr. HASTERT, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, Mr. LEACH of Iowa, Mr. LEWIS of Florida, Mr. MCGRATH, Mr. OWENS of Utah, Mr. RITTER, Mr. WOLPE, Mr. KASICH, Mr. ANNUNZIO, Mr. BAKER, Mr. BORSKI, Mr. DELAY, Mr. DERRICK, Mr. FORD of Michigan, Mr. GIBBONS, Mr. HOLLOWAY, Mr. LIVINGSTON, Mr. MCHUGH, Mrs. MINK, Mr. OLIN, Mr. PERKINS, Mr. PICKETT, Mr. RHODES, Mr. SAXTON, Mr. SKEEN, Mr. SMITH of Iowa, Mr. SPRATT, Mr. STUMP, Mr. VALENTINE, Mrs. VUCANOVICH, Mr. WALSH, Mr. WELDON, Mr. GORDON, Mr. HAMMERSCHMIDT, Mr. HERTEL, Mr. ERDREICH, Mr. MCDADE, Mr. MANTON, and Mr. WEISS.

H.J. Res. 100: Mr. STUDDS, Mr. RAMSTAD, and Mr. FALCOMAVALA.

H.J. Res. 108: Mr. NICHOLS, Mr. EVANS, Mr. SPRATT, and Mr. STALLINGS.

H.J. Res. 123: Ms. KAPTUR, Mr. HARRIS, Mr. BONIOR, Mr. SKAGGS, Mr. HUGHES, Mr. ACKERMAN, Mr. KASICH, Ms. SLAUGHTER of New York, Mr. BUNNING, Mr. POSHARD, Mr. TORRICELLI, Mr. VENTO, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. WALSH, Mr. HORTON, Mr. McNULTY, Mr. SANGMEISTER, Mr. FORD of Michigan, Mrs. UNSOLD, and Mr. ZIMMER.

H.J. Res. 128: Mr. COMBEST, Mr. HATCHER, Mr. HYDE, Mr. LEVINE of California, Mr. OLIN, Mr. PETERSON of Florida, Mr. SCHIFF, Mr. WALSH, Mr. MCEWEN, Mr. TALLON, Mr. RANGEL, and Mr. CAMPBELL of Colorado.

H.J. Res. 131: Mr. FASCELL, Mr. BROOMFIELD, Mr. LIPINSKI, Mr. ERDREICH, Mr. HYDE, Mr. McNULTY, Ms. KAPTUR, Mr. SKAGGS, Mr. JEFFERSON, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mrs. BOXER, Mr. POSHARD, Mr. VENTO, Mr. EVANS, Mr. HORTON, Mr. PAXON, Ms. LONG, Mr. HERTEL, and Mr. LAGOMARSINO.

H. Con. Res. 37: Mr. COLEMAN of Texas.

H. Con. Res. 39: Mr. SPENCE and Mr. RAVENEL.

H. Con. Res. 55: Mr. HEFLEY, Mr. JONTZ, Mr. COX of California, Mr. SOLOMON, Mr. IRELAND, Mr. ARMEY, Mr. JEFFERSON, Mr. FISH, Mr. OWENS of Utah, Mr. BALLENGER, Mr. RAVENEL, Mr. LIPINSKI, Mr. SANTORUM, and Mr. FROST.

H. Con. Res. 56: Mr. MINETA, Mr. CARPER, and Mr. FROST.

H. Con. Res. 66: Mr. MURPHY, Mr. SERRANO, Mr. DELLUMS, and Mr. ANDREWS of Maine.

H. Con. Res. 70: Mr. LIGHTFOOT, Mr. COYNE, Mr. PAYNE of Virginia, Mr. BURTON of Indiana, Mr. BACCHUS, Mr. ZELIFF, Mr. DE LUGO, Mr. WOLPE, and Mr. SOLOMON.

H. Res. 14: Mr. JONES of Georgia, Mr. WOLPE, Mr. LEWIS of Georgia, Mr. GILLMOR, Mr. BERMAN, and Mr. ACKERMAN.

H. Res. 64: Mr. BLAZ and Mr. LAGOMARSINO.

SENATE—Tuesday, February 26, 1991*(Legislative day of Wednesday, February 6, 1991)*

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

My soul, wait thou only upon God; for my expectation is from him. He only is my rock and my salvation: he is my defence; I shall not be moved. In God is my salvation and my glory: the rock of my strength, and my refuge, is in God.—Psalm 62:5-7.

God of mercy, love, and grace, we are grateful for the news from the Persian Gulf, but our blessings are mixed as we think of the human life that has been squandered, especially among civilians. We pray for an early and just resolution to the conflict. Grant wisdom to leadership in Congress and the administration and to world leaders who will be involved in the next delicate steps to reconstruction and peace. Comfort those who have lost loved ones and grant guidance which transcends human wisdom to all who must deal with the ravaged Earth, divided people, and seething resentments.

We ask this in His name who is the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 26, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, today following the time reserved for the two leaders, there will be a period for the transaction of routine morning business not to extend beyond 3:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

It is my intention at 3:30 to proceed to S. 419, the Resolution Trust Corporation funding bill. That will be at or about 3:30 p.m., following the close of morning business.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I wanted to formally again consent to extend the morning business to 3:30.

I ask unanimous consent that following the use or the reserving of time by the distinguished Republican leader, there then be a period for morning business not to extend beyond 3:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader under the standing order is recognized.

PERSIAN GULF WAR: NO TIME-OUTS, LET'S FINISH THE JOB: TIME FOR SOVIETS TO BUTT OUT—NO MORE FREE ADVICE

Mr. DOLE. Mr. President, the heroes of Operation Desert Storm are routing Saddam Hussein's war machine. Six weeks ago, it was the fourth most powerful army on Earth. Today, it is in shambles and disarray, with mass surrenders amidst mass destruction.

One thing is clear: Saddam Hussein now realizes he stepped into the ring with a real heavyweight and he is going down. Yet, despite the death and destruction he has brought upon his own people, despite yesterday's cowardly Scud attack on allied forces, he is still trying to call the shots; still trying to throw a few more sucker punches; still spewing out the same old double talk; still trying to convince the world that continued Iraqi military aggression is somehow an honorable retreat with victory.

That is why the President is right: There will be no letup, no cease-fire, no timeouts until Saddam Hussein himself raises the white flag. This is still our bottom line.

Meanwhile, the shocking details are emerging from the Kuwait he has terrorized for the past 6 months. We are finally learning what Saddam Hussein's henchmen have been doing behind closed doors—it is a record of atrocities that are sure to rival the most grisly in history.

So, our mission is clear: It is time to finish the job, once and for all.

And while hundreds of thousands of brave American men and women continue to risk their lives to get the job done, it is also time to send a signal to Moscow: It is time for you to butt out—we do not need any more free advice.

We thanked you for your initial efforts, but let us face it, you have not risked a single life, or a single ruble in this conflict. Let me tell you, the American people are in no mood for any more Kremlin interference, promoting terms that could well endanger allied lives, save Saddam Hussein's neck, and preserve his Soviet-supplied war machine.

I have just returned from the heartland, and every Kansan I talked to does not appreciate what they are hearing from Moscow.

The people are supporting President Bush, General Powell, Secretary Cheney, and our entire military command to do what is right for America, right for the coalition, right for our troops, and right for peace.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour 3:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. KOHL. I thank the Chair.

(The remarks of Mr. KOHL pertaining to the introduction of S. 501 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois [Mr. SIMON].

Mr. SIMON. I thank the Chair.

(The remarks of Mr. SIMON pertaining to the introduction of S. 481 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS].

EXTENSION OF THE URUGUAY ROUND

Mr. BAUCUS. Mr. President, the administration has decided to seek an extension of "fast track" negotiating authority to continue the Uruguay round of trade negotiations.

The request for an extension marks yet another chapter in the long history of the Uruguay round.

The round has proceeded in fits and starts over the last 4 years.

But the Uruguay round negotiations remain a critical element of United States trade policy.

HISTORY OF THE URUGUAY ROUND

The Uruguay round trade negotiations are being held under the auspices of the General Agreement on Tariffs and Trade—the GATT.

The GATT was created in 1947. It is the charter of world trade. But the GATT is an evolving document. Periodically, the nations of the world must enter into a new set of negotiations—known as a round—to strengthen GATT rules and apply them to emerging trade problems.

The first five rounds of negotiations dealt primarily with lowering tariffs. The sixth round—known as the Tokyo round—addressed such problems as quotas, subsidies, and predatory pricing as well as tariffs.

The Uruguay round is the seventh GATT round. The round was officially launched in 1986 in Punta del Este, Uruguay—hence the name Uruguay round. It was aimed primarily at strengthening trading rules and extending them to three new areas: Trade in agricultural products, services, and intellectual property.

The negotiations almost broke down in 1988 when the United States and the EC could not make progress on lowering trade barriers in agriculture.

The differences were temporarily patched over. But when the negotiations were scheduled to conclude in Brussels last December, the dispute over agriculture flared again.

The EC, Japan, and Korea would not commit to any meaningful agricultural trade liberalization. Many developing countries refused to negotiate over intellectual property, services, and other key issues if progress was not made on agriculture. This deadlock forced the United States to suspend the negotiations.

Once again, the round appeared ready to collapse over agriculture.

Over the last few weeks, the Director General of the GATT, Arthur Dunkel, has attempted to patch together the negotiations. Finally, last week he was able to convince all nations in the negotiations to commit to "specific binding commitments" to reduce all types of agricultural protection.

On the strength of this commitment, the administration has decided to seek a 2-year extension on fast track negotiating authority from Congress in order to continue the round.

BENEFITS OF THE ROUND

Why does the United States want to keep these troubled negotiations alive?

Mr. President, we continue to negotiate because the potential benefits of a successful Uruguay round are huge. Estimates vary widely, but the administration estimates that a successful round could increase U.S. exports by \$200 billion and expand the U.S. economy by \$400 billion over the next 10 years.

The round could open new opportunities in many sectors.

In agriculture, the United States already exports \$40 billion each year. If foreign trade barriers—particularly EC export subsidies—were eliminated, U.S. agricultural exports could expand by as much as \$15 billion annually.

The United States is also a leading exporter of intellectual property—movies, books, and other copyrighted and patented material. The International Trade Commission estimated that foreign piracy of U.S. intellectual property costs the United States \$60 billion in lost exports each year.

The United States is also seeking to abolish tariffs in a number of key industrial sectors, including wood and paper products, semiconductors, and aluminum. A Uruguay round agreement to abolish those tariffs would expand United States exports by many billions of dollars each year.

EXTENSION

Clearly, the stakes are high. But, even though I have long supported the round, I am now concerned that the benefits we hoped for may not materialize.

Many of our trading partners, particularly the EC, seem to lack the political will to forge a meaningful trade agreement.

But on the strength of last week's announcements by Director General Dunkel and signs of progress both the EC and Japan, I am willing to support an extension of the Uruguay round negotiating authority.

However, I believe we should pursue the round as part of a coordinated trade strategy to promote U.S. trade interests. That strategy should include at least four major elements.

First, the President must become directly involved in bringing the GATT negotiations to a prompt, successful conclusion.

Ambassador Carla Hills has done a fine job of leading the United States in the negotiations. But she cannot do it alone. The President and the Secretary of State must throw their full weight into winning concessions from the EC and our other trading partners.

The President has understandably been distracted by the Persian Gulf crisis in recent months. But we must fight to protect U.S. interests on many fronts. The Uruguay round is likely to have a much greater impact on the standard of living of American citizens than the Persian Gulf war.

Second, the United States should continue to aggressively conclude bilateral trade agreements with our trading partners. We have already concluded such agreements with Israel and Canada. Negotiations are now under way to conclude a similar agreement that includes both Canada and Mexico.

Such agreements demonstrate to our trading partners that the United States has other options if the GATT collapses.

Third, we must continue to aggressively use section 301 to enforce existing trade agreements and open foreign markets. We must demonstrate to our trading partners that the United States will continue to press to tear down their trade barriers. And if the round fails, we will open foreign markets with section 301.

The administration should join with Congress to strengthen section 301. It should also aggressively use existing section 301 provisions.

In particular, it is time for the administration to finally implement the special 301 provisions of the 1988 Trade Act. Special 301 is a portion of section 301 specifically aimed at preventing piracy of U.S. intellectual property. The administration is yet to initiate any section 301 cases under special 301. Now, it is time to start cases to send a message to the world that the United States will not tolerate continued piracy.

Finally, the United States must continue to aggressively use its agricultural export programs. We cannot let the EC subsidize American farmers out of business. We must be willing to meet the competition. To do less is to demonstrate to the EC and the world that their protectionism works.

The only way to promote U.S. trade interests is to pursue such an integrated strategy. We should work to make the GATT round a success, but it cannot be our only option.

American exports and American jobs are too important to put all of our eggs in the GATT basket.

The Congress should agree to extend negotiating authority for the round as part of this coordinated strategy.

Next week, I plan to discuss the merits of the fast track negotiating authority in more detail.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the submission of Senate Resolution 63 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 491 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. Who seeks recognition?

The Chair recognizes the Senator from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 483 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Jersey [Mr. BRADLEY].

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY pertaining to the introduction of S. 484 and S. 485 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada [Mr. REID].

DOMESTIC VIOLENCE

Mr. REID. Mr. President, I rise today to point out the fact that during the approximate 5-minute presentation that I will give here on the Senate floor today, in our country, 16 women will be battered by their husbands or companions.

You see, Mr. President, in our country, every 18 seconds a woman is battered. This adds up to 200 women, approximately, every hour, or almost 5,000 battered every day. And, Mr. President, there are no weekends off; no holidays off. This goes on day after day after day, week after week, month after month, year after year, in our country.

I learned in holding two hearings in Nevada last week, one in Las Vegas and one in Reno, about the violence

that takes place in Nevada homes. But I learned, Mr. President, that the violence that takes place in Nevada homes is like it is every place else in our country.

One out of every five women that goes to an emergency room at a hospital is there as a result of being beaten by her husband—20 percent—20 percent of the women that go to emergency rooms are there as a result of being battered by their husbands.

According to the Center for Women Policy Studies, violence against women will occur in two-thirds of all marriages. Twenty percent of all women will be beaten severely at some time in their marriages. Mr. President, if this violence were directed toward men, we would do something about it.

Domestic violence, though, is a misery which does not discriminate. It knows no bounds of income, no bounds of class, race, or religion.

In preparing for these hearings that I had held in Nevada, I was shocked to learn that the only law on the books at the Federal level concerning domestic violence is one that provides grant money to women's shelters. While this law is a much-needed one, I do not need to tell anyone in this body that the money that is provided by virtue of this law is very minimal. In fact, it is almost nonexistent. It is not nearly enough to help America's women feel safe in their homes and safe in the streets.

Mr. President, I toured in Las Vegas and in Reno crisis shelters. These are shelters for battered women and their children. The greater metropolitan area in Las Vegas is about 850,000 people. In that 850,000-person area, there is one shelter for battered women with 27 beds.

Now, most women that go to these facilities have children. So you can imagine, if a woman has one child or two children, how quickly those beds are taken. And I might add that these beds are not as nice as you would see in an extended care facility, in a hospital, in a hotel; even, Mr. President, a cheap motel. They do the best they can, but they need more help.

In Reno, it is much the same: 250,000 people with 20 beds. Remember, Mr. President, every 18 seconds a woman is battered. One out of every five women that goes to an emergency room at a hospital is there as a result of being beaten by her husband or her companion. There are more women beaten every year than are married.

Mr. President, I am grateful to our colleague, the Senator from Delaware, the chairman of the Judiciary Committee, Senator BIDEN, for designing legislation to stop violence against women, S. 15. I joined Senator BIDEN in sponsoring this legislation. I am happy to do so.

Our legislation will make life for women outside the home safer, as well

as inside the home. It will also make sex crimes a violation of Federal civil rights. Violence against women should not be tolerated in American society. Today, we begin a move toward its elimination.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from South Carolina.

CURRENT EVENTS IN KUWAIT

Mr. THURMOND. Mr. President, over the last 48 hours, we have witnessed history in the making. We have been inspired by the professionalism and fighting spirit of our allied fighting men and women, saddened to hear of casualties, and astonished by the surrender of enormous numbers of Iraqi soldiers.

Although this conflict is far from over, it seems clear that the determination of the leaders of the allied nations, not to mention the splendid performance of our troops, has shown Saddam Hussein how gravely he underestimated the resolve of the forces arrayed against him.

Many of Hussein's soldiers, hungry, tired, and with no support from their Commander in Chief, are either gratefully turning themselves over to allied troops or retreating.

Mr. President, even as events continue to unfold in Kuwait, I believe that we should acknowledge the magnificent leadership which President Bush has shown and continues to show. He has demonstrated insight, courage, and commitment from day one of this crisis, and I believe that the weakening of Iraqi resolve which we have seen over the last few days is a direct result of his unshakeable determination.

As our troops continue to prosecute the war against the brutal dictatorship of Saddam Hussein, I would like to reaffirm my solidarity with our President and my great and lasting pride in America's men and women in uniform.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Nebraska, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I also ask, if we are in morning business, what is the order for recognition of Senators?

The PRESIDING OFFICER. It is morning business with Senators to be allowed to speak for a period of 5 minutes.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 483 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MURDER OF NICARAGUAN FREEDOM FIGHTER ENRIQUE BERMUDEZ

Mr. HELMS. Mr. President, it was 10 days ago, Saturday night, February 16, when shots rang out in the parking lot of Managua's Intercontinental Hotel. An unarmed man, with no bodyguards, died instantly.

The victim was Enrique Bermudez, who for almost a decade was the chief military commander of the Nicaraguan freedom fighters. His brutal assassination sent shock waves throughout Central America, particularly in Nicaragua.

Mr. President, Mr. Bermudez led thousands of his countrymen in battle to liberate Nicaragua from the Communist Sandinistas. For 10 years he lived deprived of the companionship of his wife and three children so that, one day, they might all be free to return to their homeland; but that day was never to come.

Last year's historic repudiation of the Communist Sandinista government is due in large part to the sacrifices of freedom fighters like Enrique Bermudez.

In February 1990, the Communist Sandinistas were defeated at the polls by the U.S.-financed candidate, Violeta Chamorro. Some Nicaraguans were hopeful that the defeat of the Sandinistas would signify the establishment of a free and just democracy in Nicaragua. But true freedom and democracy continues to elude the Nicaraguan people.

Mr. President, it is important to assess what is really going on in Nicaragua today.

First, the Nicaraguan Government continues to repress its own people;

Second, former freedom fighters who attempt to return to civilian life continue to be massacred;

Third, according to the Agency for International Development, there has been no privatization of state-owned entities;

Fourth, confiscated land has not been returned to its owners;

Fifth, political opponents continue to be intimidated, threatened, jailed and tortured without due process;

Sixth, the Sandinista Army continues to subvert its neighbors by shipping weapons to the Communist guerrillas in El Salvador who are attempting to overthrow the popularly elected government of President Alfredo Cristiani;

Seventh, Nicaragua is still governed by the Sandinista Constitution, which entrenches the Sandinista officials and

the Sandinista Army in the governmental system; and

Eighth, all of the Nicaraguan courts are still controlled by the Communist Sandinistas.

None of this, Mr. President, should surprise anyone because the Ortega brothers are still in charge. Gen. Humberto Ortega commands the Sandinista Army. Yes, it is still the Sandinista Army, and it is precisely the same army that terrorized the Nicaraguan people during the Ortega dictatorship. Daniel Ortega, the general's brother, still heads and controls Sandinista Party. It is beyond question that Daniel Ortega has successfully retained the real power in Nicaragua after losing the title to President at the polls last year.

I have never met the new President of Nicaragua, Mrs. Chamorro. I am sure that she is a charming and well-intentioned lady. But she lacks the ability—perhaps even the will—to wrest power away from her predecessors.

Reports reaching me indicate that the Nicaraguan people are not merely disappointed. They are disillusioned and depressed. They did not go to the polls to elect Mrs. Chamorro as their president only to have the Sandinistas retain the real power. They certainly never anticipated that Mrs. Chamorro would, for whatever reason, tolerate the continued Sandinista reign of terror.

Furthermore, it is impossible to understand the Chamorro government's lack of gratitude to the thousands of men and women freedom fighters who fought and shed their blood so that all Nicaraguans might live in freedom. Worse yet, members of President Chamorro's government have repeatedly criticized the role played by the Nicaraguan resistance. Strange indeed, since Mrs. Chamorro would have never been elected President had it not been for the freedom fighters.

Many freedom fighters took Mrs. Chamorro at her word when she said she could and would guarantee their safe return to Nicaragua. But what has happened? The returning freedom fighters have been subjected to intimidation, threats, arrests, torture, and murder. Their crime? They fought for a free Nicaragua.

Mr. President, let me return to the murder of Enrique Bermudez at the Managua Intercontinental on February 16. Mr. Bermudez had returned to Nicaragua late last year for two reasons: First, he wanted to reclaim two of his properties that had been confiscated by the Communists; second, he wanted to work to assure that his former soldiers would receive all they had been promised by the Chamorro government.

I have no proof as to who murdered Mr. Bermudez. But there is a logical explanation circulating in Nicaragua: The assassination of Enrique Bermudez

is not an isolated incident, nor is it the first one.

In November 1990, another freedom fighter was arrested, jailed and tortured. But that man, Aristides Sanchez, was spared death only after a Catholic clergyman, Cardinal Obando y Bravo, intervened with President Chamorro.

Mr. Sanchez was tortured by the Communist Sandinistas. While he was being tortured, among those present were Commandante Rene Vivas, chief of the Sandinista police, and Commandante Lenin Cerna, chief of the dreaded Sandinista State Security.

It is noteworthy that even the State Department Human Rights report takes note of the torture of Mr. Sanchez. It is also worthy to note that Rene Vivas is the same man who was sent to investigate the Bermudez murder.

When Mr. Sanchez was arrested, he was informed that he had been arrested under orders from Mrs. Chamorro's government—specifically from Carlos Hurtado, the Minister of Government. His Sandinista captors told him something else: They had plans to murder Mr. Bermudez.

Mr. President, when the Communists finished their torture of Mr. Sanchez, who has a severe heart condition, he was expelled from his homeland. When he arrived in the United States, he took the Sandinista threat concerning Mr. Bermudez seriously. He immediately contacted Mrs. Enrique Bermudez in Miami and warned her that the Sandinistas intended to kill her husband, and urged that he leave Nicaragua.

Alarmed, Mrs. Bermudez contacted her husband in Nicaragua and pleaded with him to leave immediately for the United States. Mr. Bermudez felt an obligation to see to it that the Chamorro government kept its promises to the freedom fighters. However, he wrote a sealed letter to Miguel Cardinal Obando y Bravo, the primate of Nicaragua. Mr. Bermudez specified that the letter was to be opened only in the event of his own death.

In his letter, Mr. Bermudez informed the cardinal of the Sandinista threat on his life, and that the Sandinistas should be held responsible if he was killed. The letter was dated November 21, 1990. On Sunday, February 17, the cardinal read the letter during his Sunday homily.

The tragedy is that if the Sandinistas had been removed from power—as they should have been after the elections last February—Bermudez and others undoubtedly would be alive today.

Mr. President, I recall that many in the United States Congress were outraged when six Spanish priests were killed in late 1989 in El Salvador. Not only did our liberal colleagues protest; they also managed to take advantage of the free propaganda in the liberal

media, and cut off half of El Salvador's military aid. It will be interesting to see how many of those same critics are now willing to cut off aid to Nicaragua.

Mr. President, is it not time to begin the debate on what the American taxpayers are getting for the millions of dollars in United States aid being sent to Nicaragua? Last year, Congress approved \$300 million in aid to Nicaragua.

Mr. President, 1 year ago, the world's eyes were focused on Nicaragua, the overwhelming defeat of the Sandinistas was presumed to be a concrete victory for President Reagan's principled stand against the Communist Sandinistas, but one election obviously does not constitute the establishment of freedom.

Today, Nicaragua remains a police state. And the Chamorro government gives the growing impression that it is nothing more than a recycled version of the same old Sandinista regime.

The same old cast of Communist characters retain, and brutally exercise, power today in Nicaragua.

No Senator, certainly not this Senator, expected that the challenge confronting the Chamorro government would be easy. Communist regimes are adept at locking themselves into the whole fabric of society. But there is no evidence to indicate a willingness by the Chamorro government to rid itself of the Brothers Ortega.

Furthermore, I have seen no aggressive efforts by the State Department to consolidate the gains of President Reagan's policy. The sad fact is that there is growing strife amongst the disillusioned masses in Nicaragua who believed that last year's election was more than a cynical game of musical chairs, with the same old Communists calling the tune.

Mr. President, Mrs. Chamorro has been invited to come for a State visit next month, in honor rarely afforded a Latin American President. But there is a question—a legitimate question—about that: Is this really the time for photo-ops and gracious toasts at the White House?

Would not it be wise, under the circumstances, for the State Department to postpone this State visit until there can be a full accounting of the Bermudez assassination, and the crimes against other former members of the freedom fighter movement?

SOUTH AFRICAN SANCTIONS

Mr. HELMS. Mr. President, on Friday, February 1, F.W. de Klerk, State President of South Africa, made another historic speech at the opening of the South African Parliament in Cape Town. He not only announced, as expected, his Government's intentions to abolish the Lands Acts and the Group Areas Act; he surprisingly announced the intended repeal of the Population Registration Act, the last bastion of

apartheid codified in South African law. As one South African friend said to me, he never thought he would live to see that happen.

Mr. de Klerk has now, in my opinion, met all of the requirements in the Comprehensive Anti-Apartheid Act of 1986 [CAAA] for the lifting of United States sanctions against South Africa. My understanding is that, by April 30, all political prisoners will have been released, and therefore, under the provisions of that act itself, United States sanctions against South Africa will be null and void.

Mr. President, I understand that this is the way that President Bush is looking at the matter, and rightly so. I simply have one word of advice for any Member of this body who might seek to prolong those sanctions after our law has been complied with—or who might seek other legislative ways to continue to hamper the establishment of normal relations between our country and South Africa: This Senator will do all in my power to see that they do not succeed.

Mr. President, a lonely band of about 18 Senators and I vehemently opposed the passage of the CAAA and the congressional override of President's Reagan's veto of that measure. For such efforts, many were branded as racists—never mind that none of the major concerns addressed the effect such sanctions would have on the black people themselves in South Africa.

Many of us predicted that blacks would be hurt more by United States and other economic sanctions than would any other group in South Africa—and certainly much more than the white minority which has actually been castigated for building a nation on the southern tip of Africa which is, in many respects, a full-fledged country of the first world—something which cannot be said of any other sub-Saharan African nation.

The climate which was built up here on Capitol Hill by the liberal proponents of sanctions, and which was amplified by our national media, quickly labeled all who opposed those sanctions as pro-apartheid.

Nothing could have been further from the truth. No Senator, to my knowledge, has ever condoned apartheid or opposed equal rights for all South Africans, no matter what their race.

Our concern was—and still is, to a large degree—what sort of government would eventually evolve in South Africa? Would it be friendly to the United States? Would it preserve South Africa as a viable member of the first world community; or would it take South Africa down the path that we have seen so many African countries go since World War II when they were granted independence and so-called freedom?

Mr. President, I say so-called because many people in the countries north of South Africa have found that, despite

their new-found freedoms, they could not put food in the mouths of their families unless they went into South Africa to seek jobs in the mines and elsewhere. Yes, freedom is precious and is, in my opinion, the God-given right of every human on this globe. But freedom must also include freedom from want and that usually means living in a country where you can hold a job, feed your family, and care for your children. While this has not been true of many blacks in South Africa, it has been even less true for the majority of citizens in the newly independent states in sub-Saharan Africa.

I remember remarking to a friend as we left the office of the mayor of Soweto in 1987 that, had I been faced with job reservation and other inhibiting and degrading laws and practices of apartheid, I would probably have found myself out demonstrating and doing everything I could to change that system.

I would have taken only lawful means of protest, working within the system; I would not have resorted to such heinous violence as necklacing and other inhuman practices which, to my mind, still have no real connection with gaining political freedom. Of one thing I am sure: I would never have turned to the Communist philosophy.

But, as I have often said before on other matters, my shoulders are broad enough—and those people who count know me well enough—to know that my purpose in opposing the CAAA had absolutely nothing to do with condoning apartheid. And, while I cannot speak for them, I feel sure that no others of that small band of Senators who stuck with President Reagan had any thought of defending apartheid—a system which really is abhorrent to all Americans.

We were truly worried about the fate of the majority of the people in South Africa; and we were also really concerned about what the impact might be on the United States of an ANC-controlled government in that country.

I, for one, am still extremely concerned about that latter possibility.

In the December 1990 issue of the South Africa Foundation's Review, there was a very thought-provoking article by Deon Geldenhuys, professor of political studies at Rand Afrikaans University. It was entitled, "South Africa's Post-Apartheid Foreign Policy," and should be read by all who are truly interested in that part of the world—and in its relations with our own country. I will quote here only the first and last paragraphs:

It is ironic that the ANC, that has for so long and with considerable success, promoted a pariah image of the South African government abroad, should make common cause with foreign leaders who display pariah images themselves. One thinks here of Fidel Castro of Cuba, Muammar Ghaddafi of Libya and Yassir Arafat of the PLO and,

more recently, his condemnation of western actions against Iraq.

Public identification with foreign leaders of doubtful character is no recipe for winning respectable friends and influencing important people abroad. Perhaps this is an indulgence the ANC can afford while in opposition. To repeat it in power, could prove a rather costly error in judgment.

Mr. President, I ask unanimous consent that this article by Professor Geldenhuys be printed in the CONGRESSIONAL RECORD in its entirety at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the South Africa Foundation Review, December 1990]

SOUTH AFRICA'S POST-APARTHEID FOREIGN POLICY

(By Deon Geldenhuys, professor of Political Studies, Rand Afrikaans University)

It is ironic that the ANC, that has for so long and with considerable success, promoted a pariah image of the South African government abroad, should make common cause with foreign leaders who display pariah images of themselves. One thinks here of Fidel Castro of Cuba, Muammar Ghaddafi of Libya and Yassir Arafat of the PLO and, more recently, his condemnation of western actions against Iraq.

The ANC's international loyalties clearly differ from the governing National Party. And Nelson Mandela's utterances are a timely indication that a future SA government in which the ANC is strongly represented, will follow a very different foreign policy from that of previous white governments.

The first premise in this projection of a South African post-apartheid foreign policy is that our first new government will consist predominantly but not exclusively of ANC representatives. The second assumption is that South Africa's new political order will be largely acceptable internationally and will put an end to decades of forced isolation.

The new freedom of movement that a post-apartheid South Africa will enjoy in its foreign policy will, of course, not be unlimited.

Firstly, the composition of the government—should it include one or more of the parties to the right of the ANC—should, in itself, have a moderating effect on its foreign policy.

Secondly, South Africa's urgent need for foreign capital will probably force a new government, at least initially, to take a moderate and cautious stand in relations with leading western powers.

Thirdly, seen in global context, South Africa belongs to the league of small states. This implies a limited ability to exert influence internationally.

A fourth factor is that South Africa forms part of Africa and is in danger of being condemned, along with the rest of the continent, to the periphery of the international system.

Finally, it will be difficult to convince the international community that it owes a new South Africa anything. Once the dismantling of apartheid has eliminated the need for international pressure, there will be a strong temptation to forget South Africa. The world can get along quite easily without South Africa.

But against these negative factors South Africa will have at its disposal one particularly potent bargaining instrument: its status as a regional power. On the assumption

that South Africa's economic and military capabilities will be maintained, the country will in the future still be in a position to exert a decisive influence on the destiny of southern Africa.

The foreign policies of a post-apartheid South Africa may be outlined in terms of a number of external orientations and role conceptions, as defined in the relevant literature.

Basically, sovereign states have the option of three foreign policy orientations: dissociation, neutrality and association. Dissociation entails voluntary isolation, i.e., a state voluntarily withdraws from international relationships. This is a highly improbable orientation for a new South Africa. It is much more likely that a future South African government will try to integrate itself as fully as possible into the international community in order to prove to the world that the era of forced isolation under apartheid is finally over.

International participation is fully compatible with two forms of neutrality, namely neutrality as defined in international law, and non-alignment. South Africa may possibly in the future declare itself neutral in respect of a specific war, but it is doubtful whether a new government would subscribe to neutrality as a general orientation (as in the case of certain Scandinavian countries in the past, and of Switzerland and Austria today). Such a permanent neutrality would place considerable restrictions on South Africa's external freedom of action.

Non-alignment, on the other hand, would be a very attractive option for a future South African government. The ending of the cold war will force the Non-aligned Movement to re-orientate itself; it makes no sense any longer to attempt to play the role of a conciliating middle group between East and West. Non-alignment will therefore come to be defined even more strongly in terms of the North-South division, and this movement will most probably become the foremost third world forum in determining its relations with the first world. South Africa will probably feel itself at home in the ranks of the non-aligned states, where it may attempt to act at least as a regional spokesman.

Experience has shown that nonalignment is not necessarily irreconcilable to close association with a major power. If such a relationship was possible during the cold war era, it might be even more common in the future. In theory, at least, South Africa would therefore be able to combine its non-alignment with a diplomatic or economic coalition or even a military alliance—the three typical forms of association—with a major power. Any such association with the Soviet Union or China seems out of the question since it would hold little benefit for any of the parties. As far as the western powers are concerned, a direct economic coalition in particular could involve major benefits for South Africa. But it is an open question whether this would be of interest to western countries. And a liberated South Africa would also be cautious not to compromise its new-found external freedom of action, at least not during its first few years. Initially, associations would probably be limited to other third world countries such as those within the Commonwealth, the Organisations of African Unity and regional organisations in southern Africa. South Africa would also be able to associate indirectly with the West by means of the Lomé Convention.

A variety of national role conceptions has been identified in the literature on foreign

policy by which states give expression to their basic international orientations. A nonaligned South Africa could pursue a number of these.

As the dominant power in its region, South Africa could be expected in the future to position itself as regional leader, shouldering special political responsibilities with regard to other states in southern Africa. As regional protector South Africa would like to help in ensuring the security of neighbouring states. The role of regional co-operator would entail taking the initiative in promoting closer co-operation in the region. Being the regional developer would involve a special obligation to assist neighbouring developing states. South Africa would have to play these related roles with great circumspection, as its neighbours would remain wary of the "big brother in the South" that could impair their own independence and dignity. Furthermore, a new South Africa would have to reconcile its regional roles with its internal capabilities and needs in order to avoid the very real danger of over-extension.

A further role conception that is closely linked with non-alignment is that of active independence. This role emphasises the extension and expansion of foreign relations over a broad front, without this affecting the state's independence. This role would be of major importance for a new South African government in order to emphasise its break with apartheid and international isolation.

The role of mediator may also be an attractive one. A mediator state regards itself as particularly suited to settling conflicts elsewhere. Post-apartheid South Africa's qualifications may flow from its regional status, successful constitutional negotiations, national reconciliation, and the perception that a new South Africa owes something to other nations in return for their earlier assistance in the struggle against apartheid.

Finally, it is to be expected that a post-apartheid South Africa would also play a strong missionary role in its foreign relations. Freed of apartheid and white authoritarianism, a non-racial, democratic South Africa would probably present itself as a crusader against practices such as racism and oppression, and as a model of reconciliation and liberation.

Public identifications with foreign leaders of doubtful character is no recipe for winning respectable friends and influencing important people abroad. Perhaps this is an indulgence the ANC can afford while in opposition. To repeat it in power, could prove a rather costly error in judgment.

Mr. HELMS. To further emphasize the fact that a new South African Government completely dominated by the ANC will not be a friend of the United States, I would also call attention to the January 19, 1991, statement by the ANC itself with regard to the war in the Persian Gulf.

It calls for the withdrawal of United States and other foreign forces from the gulf, and the convening of an international conference to elaborate a comprehensive settlement of the Middle East question which would restore the national rights of the Palestinian people, oblige Israel to withdraw from all occupied Arab lands and ensure the security of all countries in the region.

It also expresses the ANC's opposition to efforts by the white minority

Pretoria government further to fan the flames of war in the gulf and to draw our country into this tragic conflict by encouraging some of the belligerents and offering them facilities in our country. That last statement really shows where the sympathies of the ANC lie—not with the United States, because we are the belligerents to which the South African Government offered the use of military facilities in their country if we had need of them.

Many who so actively worked for sanctions against South Africa in this body made the argument that, if we did not condemn apartheid and come down on the side of the ANC, when the ANC finally gained power in South Africa, that government would be no friend of the United States. I wonder what those fortune tellers think now? We passed the sanctions; those who supported them give them all credit for the changes in South Africa; but the ANC is certainly not in our corner. It is rooting for Yasser Arafat, and, by implications from its statement on the gulf, for Saddam Hussein.

Mr. President, I ask that the January 19, 1991, statement of the ANC on the war in the Persian Gulf be printed in full at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the African National Congress, Mission to the United States, Johannesburg, Jan. 19, 1991]

ANC STATEMENT ON THE GULF: END THE WAR NOW

The ANC wishes to express very grave concern at the outbreak of war in the gulf. Accordingly we call for the immediate cessation of hostilities and the resumption of diplomatic initiatives, in particular by the Secretary General of the United Nations, to arrive at a peaceful resolution of all relevant issues.

We believe that the following are critical of the settlement of the conflict in the gulf: The withdrawal of Iraq from Kuwait and the resolution of the dispute between these two countries through bilateral negotiations;

The withdrawal of United States and other foreign forces from the gulf;

The convening of an international conference to elaborate a comprehensive settlement of the Middle East question which would restore the national rights of the Palestinian people, oblige Israel to withdraw from all occupied Arab lands and ensure the security of all countries in the region.

We further wish to express our opposition to efforts by the white minority Pretoria Government further to fan the flames of war in the gulf and to draw our country into this tragic conflict by encouraging some of the belligerents and offering them facilities in our country.

We further call on this Government and its police force to stop harassing and persecuting those of our people who are engaged in peaceful public demonstrations to express their views about the situation in the gulf.

The war must be brought to an end now.

ANC INFORMATION DEPARTMENT.

Mr. HELMS. One other point I would make, Mr. President, about those in

the Congress who are still saying that sanctions must be maintained. Actually, it is a point made very well by the Washington Times in its editorial of Monday, February 4, in which it stated:

(T)he pro-sanctions party consists of a good many who actually want suffering among blacks in South Africa as a goad to the very kind of destabilization and radicalism that have emerged. So, just because sanctions hurt blacks doesn't mean that self-proclaimed foes of apartheid and racism will favor repeal.

Nor will they support repeal of sanctions just because South African President F.W. de Klerk has all but done away with apartheid and met many of the conditions that sanctions demand ***.

"Of course, that (de Klerk's gutting his own political base), too, is OK by the troglodytes of the pro-sanctions party, which includes the ANC itself and which sees in violent white backlash even more chance for destabilization. If the South African pot can be made to boil over, they believe, there will be more chance for a black one-party state to emerge without any messy compromises ***.

Mr. President, I ask that the Times editorial, entitled "Three Men and South Africa," also be reprinted in full at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 4, 1991]

THREE MEN AND SOUTH AFRICA

When African National Congress leader Nelson Mandela and Inkatha Freedom Party head Chief Mangosuthu Buthelezi met last week to end the five-year-long bloodbath between their black followers, the American press was quick to crow about the new-born harmony between South Africa's two largest black political movements. But the meeting and the agreement that ensued may not be any more reliable an indicator of the South African future than the horoscopes also carried by the newspapers.

The meeting was the first between the two since before Mr. Mandela went to jail 28 years ago, and it also was the first time they, as leaders of rival organizations, had agreed to end the violent struggle between them and their adherents. Mr. Mandela is a Marxist, and since being freed about a year ago he has failed to discover that his ideology is defunct just about everywhere else in the world. Mr. Buthelezi is a "promarket" foe of apartheid and, unlike Mr. Mandela's ANC, has never endorsed violence, "armed struggle" or terrorism as a sensible way of achieving the freedom he wants. But despite their embracing last week, the differences between the two men and their followers will not go away, and Mr. Buthelezi, for one, was explicit in saying so. There also are two other major reasons for the deaths of some 4,000 South African blacks in intertribal violence in the last few years and of nearly 1,000 in the last six months.

First, Mr. Buthelezi's followers are Zulus, and the ANC's cadres are largely Xhosa—the two major tribes of South Africa's 28 million blacks. The two groups have never liked each other for all sorts of historical, cultural and ethnic reasons (or unreasons), and the ideological and personality clashes between their two leaders have only exacerbated, but are not the cause of, their deeply rooted conflict. Second, sanctions, applied by the United States and most Western na-

tions, haven't helped either. As their opponents argued when they were imposed, sanctions mainly hurt South African blacks. They force businesses to close or lay off workers, and, unemployed and idle, many blacks in South Africa's segregated townships find streetfighting a diversion.

Probably there is not much, save time, that can do much about the first reason, but repeal of sanctions could start removing the second. Of course, the pro-sanctions party consists of a good many who actually want suffering among blacks in South Africa as a goad to the very kind of destabilization and radicalism that have emerged. So, just because sanctions hurt blacks doesn't mean that self-proclaimed foes of apartheid and racism will favor repeal.

Nor will they support repeal of sanctions just because South African President F.W. de Klerk has all but done away with apartheid and met many of the conditions that sanctions demand. He has released Mr. Mandela, legalized the ANC and repealed major apartheid legislation. This week he is vowing to repeal most of what is left, including the Group Areas Act, which establishes racially segregated living areas and which in many places has long been honored in the breach; the Land Acts, which severely restrict black ownership of land; and the Population Registration Act, which classifies South Africans according to race. In undertaking these reforms, Mr. de Klerk has polished off whatever unity remained in his dominant National Party and raised up a powerful far-right opposition that favors undoing most of his changes. Just as Parliament was about to convene, Mr. de Klerk refused to meet with outraged white farmers who didn't want the government to take their land and give it to blacks. His announcement of the new changes was met with cries of "traitor" in Parliament. If Mr. de Klerk had not already gutted his political base, his present plans will ensure its disappearance and the blossoming of the far right.

Of course, that, too, is OK by the troglodytes of the pro-sanctions party, which includes the ANC itself and which sees in violent white backlash even more chance for destabilization. If the South African pot can be made to boil over, they believe, there will be more chance for a black one-party state to emerge without any messy compromises with the likes of Mr. Buthelezi.

Mr. Buthelezi and Mr. Mandela can meet, embrace and agree all they want, and Mr. de Klerk can sign or repeal whatever laws he can. But in South Africa today and among many in the anti-apartheid movement outside it, it's not lawmakers and peacemakers who set the pace of change but those whose will to power outweighs their commitment to either law or peace.

Mr. HELMS. In closing, let me summarize: The CAAA should never have been enacted by this Congress, if for no other reason than because its main victims have been ordinary blacks in South Africa; the goodwill, commonsense, foresight, and human concerns of F.W. de Klerk were responsible for the abolition of apartheid in South Africa, not the sanctions imposed by the CAAA and the ANC, and any government dominated by it, is not, and will not be, a friend of the United States.

Thus, we must strengthen the hand of South African whites, Asians, Coloreds, and moderate blacks in the forthcoming negotiations for a new

constitution. The best way we can do that is to repeal the CAAA sanctions, not only for the spur that might give the South African economy, but also simply because it is the right thing to do.

Our law is clearly written. When certain conditions have been met, those sanctions should be repealed. To do any less, is to join those who really wanted revolution and a resultant one-party state in that country. That is not acceptable to this Senator, and should not be acceptable to any Member of this body or to any American.

CHIEF JUSTICE JOE BRANCH—A TARHEEL STATESMAN

Mr. HELMS. Mr. President, after 18 years in the Senate, away from home, the realization grows that there are ever-increasing reports of sad news from home. Time passes, life goes on; but too often comes word that a very special friend is gone.

I was particularly saddened by the news of Joe Branch's death last week. The newspaper headlines emphasized that Joe was a retired chief justice of North Carolina. He was that, yes, but he was a lot of other things, too. He was a kind, considerate and durable friend. He was proudly a product of a small town in Halifax County, in northeastern North Carolina. He never desired nor acquired a big city affectation. He was what he was—and that was good and wholesome.

Mr. President, Joe Branch and his family joined Hayes Barton Baptist Church in Raleigh the same Sunday in 1966 that our family did. Both of us taught Sunday school, but Joe was far better than I. Joe Branch was good at whatever he undertook. Moreover, his quiet, kindly personality created respectful friendships. He was a good guy. He will be missed, and Dorothy and I extend our deepest sympathy to his wife Frances and her family.

Mr. President, Jane Ruffin and Treva Jones, reporters for the Raleigh News and Observer, jointly wrote the story about Joe Branch's death, published on February 19. In it, they appropriately obtained comment from a few of Joe's friends. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUSTICE BRANCH DIES AT 75

(By Jane Ruffin and Treva Jones)

Joseph Branch, a Halifax County native whose 20-year tenure on the state Supreme Court culminated with seven years as chief justice, died Monday at Rex Hospital. He was 75.

He had been hospitalized since Dec. 13 with multisystem dysfunction, meaning that he had a number of illnesses affecting different systems in his body, a hospital spokesman said.

His friends and fellow justices remembered him as a statesman and gentleman who had continued to lend an ear and offer advice after his retirement from the court in 1986.

"Joe Branch was one of the great North Carolinians of our time," said Chief Justice James G. Exum Jr., who often turned to Mr. Branch for help with tough decisions.

"He served with real wisdom and effectiveness, and I and all who served with him and under his leadership really count ourselves fortunate to have been the beneficiaries of his warm friendship."

Mr. Branch, a Democrat, was appointed to the court in 1966 by then-Gov. Dan K. Moore, two years after he headed Mr. Moore's successful gubernatorial campaign. Former Gov. James B. Hunt Jr. named him chief justice in 1979.

Before coming to Raleigh, he was town attorney in Enfield and served several terms as chairman of the Halifax County Democratic Party. He served four consecutive terms in the state House, from 1947 to 1953, and was legislative counsel to two governors, Luther H. Hodges and Mr. Moore.

On the court, Mr. Branch, a conservative by nature, eased tension and was a peacemaker.

"I think Joe Branch was the greatest chief justice of my life time," and J. Phil Carlton, a former associate justice. "He had an uncanny ability to bring about consensus, and he could do that without causing anyone to compromise their views."

Mr. Branch relied on a gentle demeanor to maintain a cohesive court that carefully adhered to precedent.

"In a real quiet way, he was the conscience of the court while he was there," said Malcolm R. "Tye" Hunter Jr., whom Mr. Branch appointed as state appellate defender. "He could look at a case and know just sort of at a gut level as to whether this had been a fair trial. He wasn't so much proceeding from a particular ideology except his notion that everyone should be treated fairly."

Mr. Branch was tall—six-foot-three—silver-haired, and craggy-faced. At the time of his appointment as chief justice in 1979, he was described as a pragmatist with practical knowledge of the court and legislature.

"Legislators, judges, other court officials and lawyers immediately felt that they were dealing with a man who was above reproach," said Franklin E. Freeman Jr., director of the state Administrative Office of the Courts.

Mr. Branch once explained his judicial philosophy: "I reckon you would say I believe in precedent until circumstances are such that we ought to overrule it."

As chief justice, Mr. Branch emphasized the need for judges to run open courtrooms. During his tenure, cameras were permitted to record trials in North Carolina courtrooms and the court issued crucial opinions on the separation of powers between the legislative and executive branches of government.

"The word that will describe him as well as any is 'judicious,'" said David M. Britt, a retired associate justice. "He was very patient in dealing with people, whether they were litigants or lawyers or the general public."

When the N.C. Center for Public Policy Research released ratings of judges by attorneys in 1980, Mr. Branch was described as the court's most objective member, and he was rated outstanding on overall performance. But he criticized the ratings. "It doesn't do anyone any good to be rated like a five-gaited show horse," Justice Branch said at the time.

Mr. Branch, whose father, James C. Branch, owned farmlands, a funeral home and a store in Enfield, received an LL.B. degree from Wake Forest College in 1938. He practiced law in his hometown until 1966, when he came to Raleigh.

In 1980, he received the Carroll Wayland Weathers Distinguished Alumnus Award from Wake Forest University School of Law. He served on the Wake Forest Board of Trustees and held a leadership position in the 1980s when the university severed its formal connection to the Baptist State Convention.

"Justice Branch courageously led his alma mater through a momentous period of change," Wake Forest President Thomas K. Hearn Jr. said in a statement. "I shall miss this great friend and adviser."

Associate Justice Louis B. Meyer, who is from Enfield, said that Mr. Branch, whom he considered a mentor and adviser, had helped him get into and stay at Wake Forest.

"I had to borrow a lot of money to go to both undergraduate and law school, and he always was good enough to stand behind my notes," Justice Meyer said. "He was always my ideal as a lawyer and community leader and justice of the court."

Associate Justice Burley B. Mitchell Jr. said he, too, would remember Mr. Branch as a friend and adviser.

"Every time I went to him with a problem, no matter how low I might feel, he always did something to make me feel a little better about myself," Justice Mitchell said. "I think there are literally hundreds of other lawyers of my generation who had the same experience with him."

The funeral will be at 11 a.m. Wednesday at Hayes Barton Baptist Church in Raleigh and at 2 p.m. Thursday at Enfield Baptist Church. Burial will be in Elmwood Cemetery in Enfield.

He is survived by his wife, Frances Kitchin Branch; daughter, Jane Branch McRee of Raleigh; son, James C. Branch of Raleigh; sister, Mrs. R. Hunter Pope of Enfield; brother, Harry Branch of Enfield; and six grandchildren.

AMBASSADOR EARL SMITH: A REMARKABLE AMERICAN

Mr. HELMS. Mr. President, America lost a distinguished and dedicated statesman on February 15—Hon. Earl E.T. Smith died at his home in Palm Beach, FL. I suppose it's a fact that Earl Smith was 87, but it was hard for me to believe. Like Senator THURMOND, whom Earl admired, and vice versa, Ambassador Smith, as he was always called, possessed a keen intellect and a remarkable dedication to his country.

The last time I saw Earl Smith was a couple of years ago. I was in Palm Beach for a meeting. Afterward there was a reception at the home of some mutual friends. There was a pool table in the basement family room. The tall, handsome, and erect Ambassador Smith acknowledged that he had never played pool, but that he wanted to try it. I shall always remember his trying. He enjoyed it, and so did the spectators.

Mr. President, when the news came that Ambassador Smith had passed away, a dozen thoughts and memories

crossed my mind. Here was a man, a great man, who had done it all. His life, by every measurement, was a success. He had been a U.S. diplomat, the mayor of his hometown, a successful financier, a corporate director. He had been a member of the New York Stock Exchange for 60 years. During World War II, he was a lieutenant colonel in the Army, and also served as an intelligence officer with the 8th Air Force.

Four Presidents—Roosevelt, Eisenhower, Kennedy, and Reagan—called on Earl Smith for important service to the United States. If I were to attempt now to identify all the honors that came to him, an enormous amount of time would be consumed. But let me touch on one in particular.

In 1962, Ambassador Smith wrote a best-selling book—"The Fourth Floor" which was an account of Castro's Communist revolution in Cuba. As United States Ambassador to Cuba at the time, Earl Smith tried his best to warn President Eisenhower that Fidel Castro was a Communist and that, if Castro succeeded in taking over Cuba, it would be disastrous in countless ways. The bureaucracy at the State Department intercepted Ambassador Smith's repeated messages; they never reached the President.

So Earl Smith, dismayed at not receiving a response from the President, turned in his resignation. Weeks later, when Ambassador Smith and President Eisenhower attended a function in Washington, the President saw his longtime friend, Earl Smith in the audience and directed that Earl join him at the head table.

Ike asked Earl why he had not contacted him before turning in his resignation. Earl replied, "I tried repeatedly to get word to you about the impending disaster in Cuba, but I couldn't penetrate the State Department bureaucracy. I quit because I didn't want to be a party to the disaster."

Mr. President, I could go on for a very long while about my friend, Earl Smith, but I will not further consume the Senate's time. Suffice it to say that I have lost a dear friend—and America has lost a remarkable public servant.

Mr. President, in closing, I ask unanimous consent that two articles from the February 17 edition of the Palm Beach Daily News be printed in the RECORD at the conclusion of my remarks. One was written by Margie Kacoha, and is headed, "Smith Recalled for His Service, Political Career." The other is headed, "Smith Was a Gallant and Gentle Persuader" and was written by Agnes Ash. Both of these reporters describe the late Ambassador Earl E.T. Smith's life and career in eloquent fashion.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Palm Beach Daily News]
SMITH RECALLED FOR HIS SERVICE, POLITICAL CAREER

(By Margie Kacoha)

Residents throughout Palm Beach expressed shock and sadness Saturday at the news of the death of Ambassador Earl E.T. Smith.

Mr. Smith died at his Palm Beach home late Friday afternoon following a brief illness. He was 87.

Mr. Smith was best known internationally as ambassador to Cuba from 1957 to 1959, an appointment he received from President Dwight D. Eisenhower. He then turned his focus to the local arena, serving as the mayor of Palm Beach from 1971 to 1977. Mr. Smith also was the chairman emeritus of the Preservation Foundation of Palm Beach, of which he was a founder.

Palm Beach was his home for 50 years, during which time he became a leader in local, state and national politics.

"His most outstanding contribution was his tenure in Cuba," said longtime friend Guilford Dudley. "He did try his best to explain what was happening in Cuba, but it fell on deaf ears. He did try to warn the State Department about Castro," Dudley said.

In 1962, Mr. Smith wrote the best-selling book, *The Fourth Floor*, recounting the Castro revolution. In it he detailed why Castro need not and should not have come to power.

Mr. Smith was a four-time delegate to the Republican National Convention and was a member of the Republican platform committee in 1960 and 1980. He was widely credited with being the force behind the establishment of a viable Republican party in Florida.

His election as mayor in 1971 was described as the hardest fought in the town's history. Mr. Smith admitted spending \$15,000 to win 2,169 votes.

His years as mayor brought strict enforcement of zoning laws, approval of cable television franchises, a successful fight to permit city employees to enter the Social Security system and a brief but unsuccessful attempt to bar *Hustler* magazine from Palm Beach newsstands. Above all, there was the continuing effort to maintain the character of Palm Beach.

Betty Reed, a noted member of the Women's National Republican Club, remembered Mr. Smith as "a very fine man with lots of influence in the Republican party." She said Saturday that one remembrance she'll hold is Mr. Smith's "thorough enjoyment of President Reagan." According to Reed, "They thought alike."

President Reagan, in fact, visited Mr. Smith frequently in Palm Beach and in 1982 appointed him as a member of the Presidential Commission on Broadcasting to Cuba.

Palm Beach Mayor "Deedy" Marix had a similar recollection of Mr. Smith. "Ambassador Smith introduced me to Ronald Reagan at a party," Marix said Saturday. "It was a reception at The Breakers and he came up to me and said, 'Come over and meet the president.'"

Marix remembered Mr. Smith as being "always absolutely honest and straightforward." She said Mr. Smith was known for his sense of humor and his decision-making ability. "He never wavered around," Marix said.

Marix recounted a Palm Beach Town Council meeting several years ago when the Brinkley's property was being offered to the town for \$1 million. "I didn't think the town should spend that kind of money for a parking lot," she said. Marix then suggested the

land be purchased by the Preservation Foundation and used as a park. Mr. Smith, according to Marix, jumped up from the audience during the meeting and exclaimed, "We will."

That property was then acquired by the Preservation Foundation of Palm Beach and the site was dedicated as the Earl E.T. Smith Park for his service to the town.

"He should be remembered for his absolute commitment and devotion to fighting for what he thought was right," said Polly Earl, Preservation Foundation director. "He had a wonderful feeling for Palm Beach as a town of and for the people."

Earl said Mr. Smith should also be remembered for his fondness for animals. "When he was mayor, his dalmation, Spottie, used to come to work with him. He even had a dalmation hood ornament on his car," she said. And that love of animals extended to all, she said.

In fact, after a doberman pinscher was dragged a mile by a moving car and killed in 1973, Mr. Smith sat through the trial of those responsible. Mr. Smith later lobbied state legislators to pass tougher anti-cruelty legislation.

Born in 1903 in Newport, R.I., Mr. Smith attended Taft School and Yale University, where he was a heavyweight boxing champion. In addition to his career as a diplomat, Mr. Smith was also a financier and corporate director.

In 1925 he borrowed \$5,000 from his father and bought a seat on the New York Coffee and Sugar Exchange. A year later he sold the seat, borrowed again, and bought a \$125,000 seat on the New York Stock Exchange, where he remained a member for 60 years. In 1927 he joined Livingston & Co. as a junior partner, and founded his own brokerage firm of Paige, Smith & Remick two years later.

He was the director of the Bank of Palm Beach & Trust Co., CF&I Stell Corp., Lionel Corp., The New York Central Railroad, Sotheby's and the U.S. Sugar Corp.

President Franklin D. Roosevelt appointed Mr. Smith to the War Production Board before the bombing of Pearl Harbor on Dec. 7, 1941. He was commissioned a captain in the U.S. Army in 1942, shortly after Pearl Harbor. He served in the European theater and was discharged in 1945 with the rank of lieutenant colonel.

Twice Mr. Smith was asked to run for the governorship of Florida, and twice he refused. The first time, in 1954, he did not think he could win. The second time, 10 years later, he refused due to an illness in the family.

In the meantime, President Kennedy wanted to appoint Mr. Smith ambassador to Switzerland. Switzerland, however, was reluctant to accept an American diplomat who opposed Castro. Mr. Smith asked that his name be withdrawn and the president, expressing regrets, withdrew the nomination.

Nevertheless, Mr. Smith remained close to Kennedy—the only Democrat he said he ever supported for president. After the abortive Bay of Pigs invasion, Mr. Smith told President Kennedy, "I'd start another invasion and I'd finish it."

Mr. Smith is survived by his wife, the former Lesly Stockard; three children, Iris Christ of Mill Neck, N.Y., Virginia Burke of Palm Beach and Earl Jr. of Brookline, Mass.; one stepdaughter, Danielle Hickox of Palm Beach; nine grandchildren and 17 great-grandchildren.

SMITH WAS A GALLANT AND GENTLE PERSUADER

(By Agnes Ash)

How many times has it been written when a prominent man dies, that his passing marked the end of an era? The banality was erased from the phrase when Earl E.T. Smith died Friday. With him went a personal style Palm Beach will never see again. By international standards, he was a gentleman.

Smith understood the definition of gentleman. To him, it meant a man did his best for his country, his community and his family. He believed a gentleman, privileged by birth or effort, took part in building intangibles as well as things all eyes could see. He respected differing opinions. There was no political chasm wide enough to mute other voices. Smith heard them all and, typical of effective leaders, rationally monographed his course and energetically pursued it.

This past month when there has been so much talk of divisiveness, often by those who initiated it, I frequently thought of Smith. I never encountered a man I liked so much while he was disagreeing with me so strongly. We always ended a discussion finding some common ground and he never failed to convince me on one or two points. On issues of town preservation we usually agreed. On methods of accomplishing goals, we sometimes did not. Smith never traded his sense of fair play for a flawed victory.

He certainly scored some big hits on me. One day in 1977, he came striding into my office, an infectious grin spread over his face, and arranged his tall frame in the cramped space allotted to visitors. It is an old newspaper trick not to make politicians too comfortable so they won't stay too long.

"Ambassador Smith, what can I do for you?" I asked.

"Mayor Smith," he corrected me, indicating pride in the local title. "I came to offer you a well written opinion column and there isn't going to be any charge because I want this man's image kept fresh in the public mind. I think he is presidential material."

I explained that the Palm Beach Daily News did not publish an editorial page and that if we did decide to print politically conservative columnists we would be journalistically obligated to balance it off by using a liberal one as well.

Smith gave a pragmatic reply: "That would be all right with me. But what Palm Beacher would read it?"

When I learned the editorial was written by Ronald Reagan, I thought Smith was blinded by his political convictions. That Reagan would be governor of California is understandable. But a movie star in the White House, improbable.

In 1980, Smith was back in my office and sensitive enough not to mention the fact I had turned down a president of the United States as a stringer. This time he wanted to organize a citizens group to preserve Mar-a-Lago. Smith's plan was to raise enough money to buy the property and somehow use it as a park and golf course for the town. Later this evolved into the Preservation Foundation when Donald Trump raised the purchase price before Smith could manage it. At that time, Smith was convinced the only way to save the property intact was to own it. He was right.

It is ironic that an hour or so after Smith died, Donald Trump filed plans to subdivide Mar-a-Lago. Smith will not be able to voice an opinion on this issue but he left a legacy, the Preservation Society, and that group owes him a well-fought battle.

The town council, should give Smith, in absentia, the courtesy of a hearing as he would have given Trump and the local people who speak for him.

There's a theatrical farewell, usually associated with John Barrymore, that came to mind when I heard of Smith's death. It is the line "Good night, sweet prince." It may sound maudlin, but those who knew Smith as a gallant opponent and a gentle persuader will find it appropriate.

The staff of the Palm Beach Daily News extends its deep sympathy to Smith's wife Lesly and to his children.

THE MONTREAL PROTOCOLS, SUPPLEMENTAL COMPENSATION PLAN

Mr. MACK. Mr. President, in recent days, the Senate Foreign Relations Committee favorably reported the Montreal protocols, with its supplemental compensation plan.

One of the best written statements regarding this treaty is written by Vicki Cummock of Coral Gables, FL. Her husband John was one of the 270 passengers killed in the bombing of Pan Am flight 103 in December 1988. Ms. Cummock's personal interest in this issue has made her an eloquent speaker regarding the Montreal protocols.

Mr. President, I ask unanimous consent that the following article by Vicki Cummock, which appeared in the October 15-28 edition of the International Business Chronicle, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the International Business Chronicle, Oct. 15-28, 1991]
INTERNATIONAL FLYERS' LIVES WORTH ONLY \$75,000

(By Vicki Cummock)

There seems to be a major misconception among Americas international air passengers and crew members that if a plane goes down—for any reason—quick and adequate compensation will be made to the victims' families.

The sad truth of the matter is that compensation for international air disasters is limited by an outdated treaty ratified in 1929—The Warsaw Convention. American citizens killed or injured flying to or from the United States have just two choices: to accept \$75,000 or to prove willful misconduct, on the part of the airline, (which involves an average of 7 to 10 years of costly and emotionally painful litigation.) Interestingly, if your family member died on a domestic flight, or if they died aboard any other form of public transportation (such as a bus or train), the burden of proving willful misconduct does not apply. Willful misconduct in international aviation has only been proven nine times in the past 60 years.

During the past five administrations, the U.S. Senate has been repeatedly asked to ratify the Montreal Protocol, with the Supplemental Compensation Plan, replacing the outdated Warsaw Convention. Specifically, the new treaty would require the airlines to immediately compensate victims \$130,000 per incident, without having to prove fault on the part of the airline. Further, the Supple-

mental Compensation Plan would provide unlimited economic and non-economic compensation, depending on each victim's long-term financial loss, up to \$500 million per plane per accident. If the offer of money damages is not adequate or swift enough, you still maintain your right to sue in court. The additional cost per ticket would be \$2 to \$3 per passenger.

So why haven't our legislators ratified the new treaty? Politics.

Although President Bush, the Department of Transportation, the President's Commission on Aviation Security and Terrorism, the General Accounting Office, all international and domestic airlines, all air passenger groups, air victims groups and the American Bar Association support ratification, there is a very strong opposition by the Trial Lawyers Association. The Trial Lawyers' strategy is to make sure the Montreal Protocols do not go to the Senate floor for a vote during this congressional calendar.

The 101st Congress will adjourn during the next three to four weeks. If the Montreal Protocols are not put up for a vote, it is not clear when—if ever—this critically-needed new treaty will come into force. With the Mid East crisis, there is a very real and potentially deadly threat that exists to the 37 million air travelers flying to and from this country on American or foreign carriers (including those in the armed services flown on commercial passenger carriers to their bases overseas.) International air disasters will occur. Planes crash due to mechanical or structural reasons, pilot error, acts of God, or terrorist bombs. Planes are shot down by error or design, such as the KAL 007 flight.

On December 21, 1988, my husband, John, was in London on business. He boarded Pan Am flight 103 to New York, which exploded and killed all 270 passengers. I was left to raise alone and financially support three small children: Ashley, 2 years old; Matthew, 4 years, and Christopher, 6 years. It was then that I found out that John's life, and the lives of all those who perished, were valued only at \$75,000 because of the outdated Warsaw Convention. None of the victims' families have received any compensation through the current American court system. Even more tragic are the KAL 007 victims' families still stuck in the court system after more than seven years of the appeal process.

Ironically, the Iranian airbus victims' families were immediately offered from \$350,000 to \$500,000 after the United States accidentally shot down that plane. It seems our lawmakers place a greater-than-\$75,000-value on an Iranian life and are willing to go the extra mile to ensure that Iranian victims' families get swift and adequate compensation. There was no reason for the Trial Lawyers Association to get involved in the Iranian airbus disaster, so settlement was quick and adequate.

The ratification of the Montreal Protocols with Supplemental Compensation Plan will not help the Pan Am 103 or the KAL 007 victims' families or any current international air disaster cases. We have been sentenced to endure the years of emotional and financial hardship based on current limits. It is time for the U.S. Senate to act responsibly on behalf of American citizens who travel abroad by supporting the Montreal Protocols. Opportunity to guarantee certain, speedy and full compensation for future disasters is at hand; a change in the current system is long overdue.

(M. Victoria Cummock, a Coral Gables, Fla., resident, is the widow of John B. Cummock and an active lobbyist for airline passenger rights.)

SDI, PATRIOT, AND THE LESSONS OF THE GULF WAR

Mr. COATS. Mr. President, I rise to discuss the success of the Patriot missile system and its implications for the SDI program. In this regard, I would like to start by praising President Bush for the speech he delivered to the employees at the Raytheon Missile System plant on February 15, 1991. President Bush's speech is an important statement, and I will ask unanimous consent that it appear following my statement. Before making several observations of my own, let me quote a key passage from the President's speech:

In the past, we've often depended more for our protection on theories of deterrence than technologies of defense. Some critics of missile defense have even said that we and our adversaries would be better off defenseless, open to attack, and therefore equally vulnerable.

Well, we know now that some of the adversaries we face today—and Saddam Hussein is a prime example—are more rash than rational, less impressed by theories than by a nation with the means and will to defend itself.

Thank God that when the Scuds came the people of Israel and Saudi Arabia, and the brave forces of our coalition had more to protect their lives than some abstract theory of deterrence.

Since the first Scud missile was intercepted by a Patriot on January 18, and with growing frequency as the Patriot has become a household term, we have heard a variety of arguments on what lessons to draw from this successful example of ballistic missile defense in action. Many assertions have been overly simplistic on both sides of the debate, but it is clear that there are important lessons to be gleaned. While I realize that Patriot was not an SDI program, it has nonetheless demonstrated that ballistic missile defense works and is worthwhile. Obviously, Patriot's success does not prove per se that any given SDI technology will be equally successful. Certainly, however, the data gathered from Patriot's performance will assist in advancing a number of missile defense concepts, especially in the area of theater missile defense. Moreover, several important nontechnical lessons have direct bearing on the future of SDI.

Perhaps the most important lesson from the gulf war is that deterrence as we have defined it in the United States over the last 45 years can and will break down, even when backed up by a nuclear guarantee. The United States-Soviet model of deterrence based on the threat of nuclear retaliation may be virtually inapplicable in dealing with the emerging Third World missile threat. Even Israel's extremely credible retaliatory threat has been insufficient to deter Saddam Hussein from launching wave after wave of ballistic missiles at Tel Aviv and other major Israeli cities. These findings have major implications for the refocused

SDI Program, which is now being oriented toward Global Protection Against Limited Strikes [GPALS].

This leads to the conclusion, which is rather obvious to anyone watching the news coverage of the gulf war, that even an imperfect ballistic missile defense is better than no defense at all. Some have argued, however, that an imperfect defense is only valuable against conventionally armed missiles, that if nuclear weapons are involved even a single failure to intercept an incoming missile could result in massive destruction. This standard anti-SDI argument misses the basic point that every successful missile interception saves lives, perhaps hundreds of thousands if nuclear weapons are involved. Can anyone seriously argue that, since there is always a chance that a missile will get through, we should not even try to prevent it. The only alternative, unfortunately, is to rely solely on deterrence, which, as we have seen, is like asking Saddam Hussein to be reasonable. Would anyone argue that we should not use the Patriot if Saddam's Scud missiles were armed with nuclear warheads? If anything, we would be even more dedicated to the task of intercepting and destroying incoming missiles.

Rather than giving up on SDI because Patriot has certain limitations, the lesson we should draw from the gulf war is that additional ballistic missile defense capabilities are needed to handle the emerging threat. By deploying a multilayer theater and U.S. defense system, to include overlapping space-based defenses, we will be more capable of defending against advanced threats, including long-range missiles with nuclear warheads.

We have also learned how difficult it is to search out and destroy mobile missiles. Despite the diversion of massive airpower from their intended targets, coalition forces have been unable to thoroughly suppress Iraq's Scud launching capability. This has major implications, not only for dealing with the emerging Third World threat but also for evaluating Soviet strategic forces, which include the largest mobile missile force in the world. Preemptively destroying hostile missiles before they can be launched is clearly the preferred option, but the gulf war has demonstrated that relying on this to happen is wishful thinking. In the future, where a mobile missile threat exists, the United States and its allies must provide countervailing missile defenses.

While we can never discount other means of delivery, the gulf war has demonstrated that ballistic missiles are likely to be weapons of choice for hostile Third World countries. Although Saddam Hussein has the ability to deliver conventional weapons through a variety of means, including delivery by individual terrorist, he has

resorted to ballistic missile attack to fulfill the terror mission. As technology for missiles and weapons of mass destruction improves we can only assume that ballistic missiles will continue to be viable, perhaps preferred, means of delivery. This tends to contradict those who have argued that Third World countries would simply smuggle bombs through normal means of transportation. Of course, we cannot assume that such forms of attack will not occur in the future, but we make similar assumptions about missile attack at our own peril.

We have also learned that providing defense against ballistic missiles serves important political functions. Traditionally, the United States has extended a nuclear guarantee over allies, particularly in Europe. While this form of extended deterrence will remain important, it will need to be supplemented by extended missile defense protection. In the case of the gulf war, this reassuring function was clearly central to Israel's decision not to promptly retaliate against Iraq's missile attacks. A similar type of guarantee extended to allies around the world can have an important stabilizing effect in any number of situations in the future. U.S. extended missile defense protection can also play a critical part in cementing and bolstering existing and future alliances and bilateral relationships.

Finally, we have learned that arms control and technology transfer limitations are inadequate for dealing with the worsening problem of proliferation. While we must seek to establish a tighter regime for controlling weapons technology, this effort must be complemented by missile defense deployments. Many of the countries that cause us the greatest concern in this area have or will acquire indigenous production capabilities for ballistic missiles and weapons of mass destruction. It would be wishful thinking to assume that arms control alone can deal with this situation.

Taken together, these findings argue strongly for proceeding with SDI along the course mapped out by the GPALS Program. The Patriot proves that ballistic missile defense works and is a worthwhile investment. It also demonstrates that the time has come for the United States itself to be defended against ballistic missile attack.

I ask that the remarks of the President to which I earlier referred be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF PRESIDENT GEORGE BUSH, RAYTHEON MISSILE SYSTEMS PLANT, ANDOVER, MA, FEBRUARY 15, 1991

Thanks, Tom (Phillips, Raytheon Chairman), for those kind words. Let me recognize my friend and your Governor, Bill Weld—and his able Lieutenant Governor, Paul Cellucci,

who I understand is out in the audience. It is an honor to be here today, to come to Raytheon, the home of the men and women who build the Scudbusters.

I've just sat in the command post of an engagement control station—I've heard about the years of painstaking work that produced the split second accuracy of the Patriot Missile Defense System. Let me tell you: I'm impressed with the technology, but I'm even more impressed with the people behind the machines.

Just days after Saddam Hussein rolled into Kuwait, the people of this plant went into overdrive.

Since mid-August, it's been an around-the-clock effort. Three shifts a day, seven days a week—I know many of you gave up your own Thanksgiving and Christmas to be right here—to keep the lines moving.

Well, in the last month, the world has learned why. Patriot works—and not just because of the high-tech wizardry. It's because of all the hours, all the attention to detail—all the pride and all the professionalism that every one of you brings to the job.

PATRIOT WORKS BECAUSE OF PATRIOTS LIKE YOU

What has taken place here is a triumph of American technology. It's a triumph taking place every day—not just here at Raytheon—but in factories and firms all across America: wherever American workers are pushing forward the bounds of progress—keeping this country strong, firing the engines of economic growth. What happens right here is critical to America's competitiveness—now, and into the next century.

Let me focus for a moment not simply on high-tech workers like yourselves who build the Patriot system—but on the highly-skilled servicemen and women, who operate it in the field. We hear so often how our children and our schools fall short: I think it's time we took note of the success stories—of the way the brave young men and women who man the Patriot stations perform such complex tasks with unerring accuracy.

They—along with all the children in our schools today—are part of a generation that will put unparalleled American technology to use as a tool for change.

As I was touring the plant a few minutes ago, I saw one sign that said: "Patriot—A Revolution in Air Defense." We are witnessing a revolution in modern warfare—a revolution that will shape the way we defend ourselves for decades to come.

For years, we've heard that anti-missile defenses won't work. That shooting down a ballistic missile is impossible—like trying to "hit a bullet with a bullet." Some people called it impossible—you called it your job. They were wrong—you were right.

Critics said this system was plagued with problems—that results from the test range wouldn't stand up under battlefield conditions.

You knew the critics were wrong—all along. And now the world knows it too. Beginning with the first Scud launched on Saudi Arabia—and the Patriot that struck it down—and with the arrival of Patriot battalions in Israel: All told—Patriot is 41 for 42. 42 Scuds engaged—41 intercepts. Imagine what course this war might have taken—without the Patriot.

No—Patriot's not perfect. No system is—no system ever will be. Not every intercept results in total destruction. But Patriot is proof positive that missile defense works.

I've said many times that missile defense threatens no one—that there is no purer de-

fensive weapon than one that targets and destroys missiles launched against us.

We know this is a dangerous world.

Today, our Cold War concern about a large-scale nuclear exchange is more remote than at any point in the post-war era. At the same time, the number of nations acquiring the capability to build and deliver missiles of mass destruction—chemical and even nuclear weapons—is on the increase. In many cases, these missiles will be superior to Scuds—smaller, capable of flying farther, faster: in short, more difficult targets.

Between now and the year 2000—in spite of our best efforts to control their spread—additional nations may acquire this deadly technology. And as we've been taught by Saddam Hussein, all it takes is one renegade regime—one ruler without regard for human decency—one brutal dictator who willfully targets innocent civilians.

In the past, we've often depended more for our protection on theories of deterrence than technologies of defense. Some critics of missile defense have even said that we and our adversaries would be better off defenseless, open to attack—and therefore equally vulnerable.

Well, we know now that some of the adversaries we face today—and Saddam Hussein is a prime example—are more rash than rational—less impressed by theories than by a nation with the means and will to defend itself.

Thank God that when the Scuds came—the people of Israel and Saudi Arabia, and the brave forces of our coalition had more to protect their lives than some abstract theory of deterrence. Thank God for the Patriot missile.

The success of Patriot is one important reason why Operation Desert Storm is on course and on schedule. We will continue to fight this war on our terms, on our timetable—until our objectives are met. Make no mistake about it, Kuwait will be liberated.

The people who build Patriot have every reason to be proud. Because of you, the world now knows we can count on missile defenses. Because of you, a tyrant's threat to rain terror from the skies has been blunted—cut short. Because of you, innocent civilians—priceless human lives—have been spared.

When we think of war, we think first of the soldiers in the field—the brave men and women serving now half a world away. But Woodrow Wilson once said that in war, there are "a thousand forms of duty." In this room today stand thousands of reasons why our cause shall succeed.

You—and people like you all across the country—have given our brave men and women in the Gulf the fighting edge they need to prevail—and, what's more, to protect precious lives.

Once again, thank you all for this warm welcome—for the invaluable contribution you have made to the defense of America and its allies—and may God bless the United States of America.

JOHN SHERMAN COOPER: A UNIQUE SENATOR

Mr. DURENBERGER. Mr. President, the Senate family lost an important person last week when former Senator John Sherman Cooper of Kentucky died at age 89. His life and career were a glowing testament to a vitally important character trait of each genuine public servant: independence.

From the beginning of his service in the Senate in 1946 until his retirement

in 1973, Senator Cooper knew that he wasn't in Washington to represent the Republican party or any narrow interest. He believed that all the people of Kentucky had elected him, and that he had an obligation to use his judgment on their behalf.

He also served his country as a diplomat in the United Nations, India, Nepal and East Germany.

I have enjoyed many pleasant and insightful hours with Senator Cooper over the last few years, in the context of our weekly Senators' prayer breakfast. Senator Cooper was with us just a few weeks ago, and always provided us with a link to the heritage and best traditions of the Senate.

He was a man of moral courage, and integrity. We should all be thankful for the contribution he made to this institution, and for those who knew him personally, for the richness he added to our lives.

Mr. President, I ask unanimous consent that a copy of an article from Saturday's New York Times appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LONGTIME SENATOR FROM KENTUCKY

(By Albin Krebs)

John Sherman Cooper, a liberal Republican from Kentucky who represented his state in the Senate for more than two decades, died in a Washington retirement home on Thursday. He was 89 years old.

His brother, Richard, said Mr. Cooper died of heart failure.

Throughout his long career in the Senate, Mr. Cooper, a patrician Kentuckian who served his country in diplomatic posts as well as in Congress, maintained a reputation for absolute independence.

His first roll-call vote, transferring investigatory powers to a special War Investigation Committee soon after World War II, went against the wishes of his party's leaders. So did his second vote, which prompted Senator Robert A. Taft, Republican of Ohio, to storm up the aisle and demand: "Are you a Republican or a Democrat? When are you going to start voting with us?"

"If you will pardon me," Senator Cooper replied, "I was sent up to represent my constituents, and I intend to vote as I think best."

LED OPPOSITION TO MC CARTHY

In the years that followed, Senator Cooper proved that he meant what he said. He was one of the first Republicans in the Senate to denounce Senator Joseph R. McCarthy of Wisconsin for the tactics of Mr. McCarthy's anti-Communist campaign. When it was unpopular to do so, Mr. Cooper also opposed legislation to remove from reluctant witnesses the Fifth Amendment's protection against compelled self-incrimination.

In the Vietnam War, Mr. Cooper joined with a Democratic, Senator Frank Church of Idaho, in drafting the Cooper-Church amendment, which was aimed at barring further United States military action in Cambodia.

Mr. Cooper worked quietly, avoiding histrionics. He left behind no ringing calls to action, perhaps because he was, by his own admission, "a truly terrible public speaker." On the rare occasions when he did take the

Senate floor, he was often inaudible. He mumbled and swallowed his words, and apparently made no effort to avoid use of Kentucky dialect in which "great" sounded like "grett," "government" became "guv-ment," and "revenue" was pronounced "rev-noo."

Mr. Cooper was born on Aug. 11, 1901, in Somerset, the seat of Pulaski County in Kentucky. He was named for his father the wealthiest man in town. The elder Mr. Cooper, like his own father and grandfather before him, was a county judge and a circuit judge, and it was always assumed that the next generation of Coopers would provide the county its leaders.

After a year at Centre College in Danville, Ky., Mr. Cooper went to Yale, where he was captain of the basketball team, and in 1923 was voted most likely to succeed.

He went on to Harvard Law School but had to withdraw in 1925 after learning from his dying father that the recession of 1920 had virtually wiped out the family's resources.

Assuming his father's debts, Mr. Cooper sold the family mansion. Over the next 25 years he paid off the debts and sent six brothers and sisters to college. He passed the state bar examination and was admitted to law practice in 1928.

Mr. Cooper won his first elective office in 1927, a two-year term in the Kentucky Legislature. From 1930 to 1938 he served as county judge, a powerful local administrative post that controlled county patronage.

Mr. Cooper was elected three times to fill unexpired terms in the United States Senate. The first was in 1946, after A.B. (Happy) Chandler resigned to become commissioner of baseball. Mr. Cooper failed to win in the 1948 general election, but in 1952 he was elected to fill the unexpired term of Virgil Chapman.

In the next general election he was defeated by Alben W. Barkley, a Democrat who was Vice President under Harry S. Truman, but Mr. Barkley subsequently died and Mr. Cooper was elected to fill his unexpired term in 1956. Mr. Cooper's Senate service continued until his retirement in 1973.

SERVICE IN MILITARY GOVERNMENT

In 1942, after he had campaigned unsuccessfully for the Republican nomination for governor, Mr. Cooper enlisted in the Army as a private. Earning a commission in Officer Candidate School, he was assigned to a military government unit. After Germany surrendered, he was put in charge of reorganizing the court system of Bavaria. While in the Army he married a registered nurse, Evelyn Pfaff. They were divorced in 1949.

Mr. Cooper's brief first stint in the Senate won him friends, among them Arthur Vandenberg, a Republican maverick, and President Truman. In 1949 Mr. Truman made Mr. Cooper a delegate to the United Nations; in subsequent years Mr. Cooper served in other missions to the United Nations and as a special assistant to secretary of State Dean Acheson.

In 1955, shortly before he had become Ambassador to India and Nepal, Mr. Cooper married the former Lorraine Rowan Shevlin, a Washington Social figure. But their stay in Asia lasted only a year because, after the death of Mr. Barkley, President Dwight D. Eisenhower summoned Mr. Cooper back to Kentucky to run for Mr. Barkley's unexpired term.

In the 17 years of Senate service that followed, Mr. Cooper, a member of the Foreign Relations Committee, generally followed the liberal internationalist line on foreign policy. In so doing, he was often in conflict with Old Guard Republicans, notably Senator Ev-

erett McKinley Dirksen of Illinois. In 1959 Mr. Cooper sought to become Republican leader of the Senate, but Mr. Dirksen defeated him by four votes.

LIMITS ON COMBAT TROOPS

Perhaps Mr. Cooper's greatest Senate victory was his move in 1969 to bar the use of United States combat troops from the fighting in Laos and Thailand.

At first it appeared that the Cooper drive had little chance of success, but after Mr. Cooper had enlisted the aid of Senator Mike Mansfield of Montana, the leader of the Democratic majority, the measure was passed by the Senate and then the House, and President Richard M. Nixon signed it into law.

After leaving office early in 1973, Mr. Cooper joined the Washington law firm of Covington & Burling. Mr. Nixon chose him to be the first United States Ambassador to East Germany shortly after Washington formally recognized that Government. But Mr. Nixon was forced from office in 1974 before he could make the actual appointment, and it was his successor, President Gerald R. Ford, who did so. Mr. Cooper remained in the East German post for two years.

He is survived by his brother, who still lives in Somerset, and a niece, Rebecca Spencer, of Lexington, Ky.

TRIBUTE TO THE HONORABLE SILVIO CONTE

Mr. THURMOND. Mr. President, I rise today to pay tribute to a fine man and a true patriot, the Honorable Silvio Conte of Massachusetts, who passed away on February 9, 1991. Congressman Conte was a man of great courage, character, and compassion, and he will be missed by his many friends and admirers, including this Senator.

In his 32 years in the House of Representatives, Silvio Conte rose to be ranking member of the House Appropriations Committee and third in seniority among the Republican Members of the House. He was both a sought-after ally and a formidable and respected opponent.

Congressman Conte possessed a blend of rock-solid integrity, humor, and warmth which made him one of the most beloved lawmakers on Capital Hill. He had great tenacity of purpose, but his determination was tempered by his keen wit and genial personality. His zest for living and unabashed enjoyment of politics were legendary.

Also legendary was his love of sports, particularly baseball. He was a devoted fan of the Boston Red Sox, and he was the energetic coach of the House Republican softball team as well as their loudest cheerleader. He was an avid fisherman and hunter as well, and he took great pleasure in preparing meals of fish and game for large groups of friends.

As the only Republican in the Massachusetts delegation, the Congressman was somewhat outnumbered in a partisan sense. However, his delightful personality earned him the affection of even his most earnest legislative oppo-

nents, and everyone respected his independence and his strongly held views. He was dedicated to doing what was right and what was best for his State and this Nation.

Congressman Conte had a very active and mischievous sense of humor, which often manifested itself in verse. Many late-night sessions of the House were enlivened by his rhymes in support of or opposition to some piece of legislation.

While the Congressman was well-known for his geniality and his keen wit, it was clear to all that he was a gifted legislator and a man of his word. He was a master of the art of compromise and he truly enjoyed the sometimes byzantine process of garnering support for legislation he favored.

Silvio Conte's work on the House Appropriations Committee earned him a reputation as a strong advocate of fiscal responsibility. He was a well-known adversary of needless spending, attacking ballooning figures with the pinprick of conscience and common sense. However, his thrift was always balanced with compassion, and he did a great deal for the poor and underprivileged both in his State and on the national level.

Congressman Conte was born to immigrant parents in Pittsfield, MA, in 1921. He was no stranger to hard work, beginning his career as a machinist and then serving in the Seabees in World War II. After the war, he attended Boston College and Boston College Law School on the GI bill. He was always grateful for the great advantage his education gave him, and he was a strong supporter of educational programs for the rest of his life.

In 1951, at the age of 29, Silvio Conte was elected to the Massachusetts State Senate. He was elected to the U.S. House of Representatives in 1958 and was recently reelected to his 17th term in the House with an overwhelming 78 percent of the vote.

Mr. President, Silvio Conte was eminently worthy of the appellation "honorable." He was a man of strength and dedication as well as a true gentleman, and he will be sorely missed by those he served so ably. I shall particularly miss the energy he brought to all his undertakings. His love for life was enormous, and he shared it generously with us all.

I join with Congressman Conte's other friends and colleagues in mourning his passing. My wife, Nancy, and I extend our deepest condolences to his lovely wife Corinne and his fine family at this difficult time.

I ask unanimous consent that editorials from the Boston Herald and the Washington Post be included in the RECORD after my remarks.

There being no objection, the editorials ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Feb. 11, 1991]

SILVIO O. CONTE

In an era of blow-dried, button-down politicians for whom politics seems more just labor than a labor of love, Rep. Silvio O. Conte was a throwback, a man who seemed genuinely to relish both the legislative whirl and the opportunity to make a better life for his constituents and those in need of government assistance across the land.

Conte, who died Friday evening at age 69 after representing his western Massachusetts district for 32 years, could stand in the well of the House and unabashedly sing the praises of the Red Sox or don a mask fashioned like a pig's snout to decry pork barrel legislation; he could also with equal verve fight in the congressional trenches for fuel aid for the poor or funds to clean Boston Harbor or rebuild the Central Artery.

Conte was a Republican by political accident as much as anything, and in the last decade particularly he moved to a rhythm far different than the conservative drumbeat to which most of his GOP colleagues marched. Last month he was one of but three House Republicans to vote for continued reliance on sanctions in the showdown with Iraq.

His rise to the position of ranking Republican on the House appropriations committee gave those who believe one of government's principal functions is to serve the poor an invaluable ally at the very center of decision-making about government spending.

It was only typical that just last week housing advocates across the country were looking to Conte to rectify what they judged as insufficient money in President Bush's housing budget.

Conte will be missed in the state and across the country for what he could get done. But he will be missed even more for who he was—a man who brought compassion, humor and a joyous spirit to American politics.

[From the Washington Post, Feb. 12, 1991]

SILVIO CONTE

Much has been made of the fact that Rep. Silvio Conte, who died here on Friday at the age of 69, was a multiple-minority. The child of Italian immigrants, he grew up in a part of western Massachusetts that was dominated by Yankees. He was a Republican in an overwhelming Democratic state and at a time when power in the House was held by an unbroken line of Democrats. And within his party, he was part of that dwindling cadre of moderates that has been losing power and influence since the mid-'60s. Yet in spite of these circumstances—or perhaps actually because of them—he was the consummate insider, a master of the legislative machinery, a man with friends and allies on both sides of the aisle and a representative who was beloved by his constituents and unusually effective on their behalf.

A great deal of his success was a result of his personality. He was a man with strong convictions, no pretensions and a straightforward style. He was merry. If he could make a point by putting on a pig mask to protect pork-barrel politics, he would. He led the House Republican softball team and wrote poems to celebrate victories and taunt opponents. When he really got going, he could have the whole House happily shouting out the punch line as his rhetoric climbed to a crescendo. Throughout his 32 years in the House Mr. Conte gave every appearance of having a great time.

With all this, he was a serious and effective legislator. He believed the government had

responsibilities—particularly to the poor—and he was willing to assume them. Even as a member of the minority party, he had great power on the Appropriations Committee, and he used it to promote education, housing and low-cost fuel for the poor. The needs of New England, and in particular his own district, were given a high priority, but his vision was not parochial. He believed in this country's leadership role in the world and was a strong supporter of foreign aid and the United Nations. As his security grew with his circle of friends, he accumulated clout and contacts and used both to good effect.

Silvio Conte was a master politician and an ebullient personality, cherished by colleagues and constituents. He will also be missed by countless others in this city who admired his accomplishments and delighted in his company.

MAYOR KOCH SPEAKS OUT ON QUOTA BILL

Mr. HELMS. Mr. President, sometime this year the Senate will most likely again consider another so-called Civil Rights Act. Judging by the version I have seen this legislation should be called a Quota Act, not a Civil Rights Act.

In looking over this legislation there are several surprises which will oblige Senators to choose between an America stratified by racial and ethnic quotas, an America whose law codifies a system where benefits and advantages are doled out according to group identity—or an America where citizens advance through individual initiative and excellence.

Mr. President a distinguished American has spoken out on the harm this bill would do to the very fabric of American society. Former mayor of New York City, Ed Koch shared his heartfelt concerns with me and others about the direction in which enactment of the current version of the Civil Rights Act would send our Nation.

Ed Koch speaks from a unique perspective. The son of Jewish immigrants and the thrice elected leader of America's largest melting pot, Mayor Koch has experienced the promises and obstacles embodied in the American dream. I am privileged to make certain his thoughts on this important subject are made a part of the CONGRESSIONAL RECORD and I ask unanimous consent to do so. Needless to say, I hope Senators will review Mayor Koch's statement before the Senate considers the so-called Civil Rights Act of 1991.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY EDWARD I. KOCH, JAN. 7, 1991

The Kennedy-Hawkins Bill of 1990—the so-called "Civil Rights Bill of 1990"—is not a civil rights bill at all. Let there be no misunderstanding. The Kennedy-Hawkins Bill of 1990 is a bill that will lead to quotas and, if passed, would create incentives for employers to hire based on quotas and would do tremendous harm to the socioeconomic struc-

ture of America, especially in its large cities.

The drafters of the legislation have provided much window dressing to the bill in their attempt to sell it as a "civil rights" bill. First, it is titled "The Civil Rights Act of 1990." Second, perhaps to respond to anticipated challenge to the bill as a quota bill, Section 13 states that the Act shall not be "construed to require or encourage" an employer to adopt hiring or promotion quotas. Third, Section 2 of the Act states that the purpose of the Act is, in part, to respond to the Supreme Court's recent decisions—most notably *Ward's Cove Packing Co., Inc. v. Atonio*, 109 S. Ct. 2115 (1989)—by restoring the civil rights protections that purportedly were dramatically limited by those decisions. Against this rhetorical backdrop, the bill's crucial language allegedly "restoring" the burden of proof in disparate impact cases, reads as follows: "An unlawful employment practice based on disparate impact is established . . . when . . . a complaining party demonstrates that an employment practice (or a group of employment practices) results in a disparate impact on the basis of race, color, religion, sex or national origin, and the respondent fails to demonstrate that such practice is required by business necessity . . ." The term, "required by business necessity," was the subject of much debate with the final definition being an employment practice or group of practices having a "significant relationship to successful performance of the job."

The bill's proponents urge that this burden of proof for disparate impact cases and the proposed "business necessity" standard are consistent with earlier Supreme Court cases beginning with the seminal case in this area, *Griggs v. Duke Power Company*, 401 U.S. 424 (1971), which allegedly has been eroded by recent Supreme Court decisions including *Ward's Cove*. This is just not the case.

One must look beyond the rhetoric and the arguments of the bill's proponents to get to the truth of the matter. First, neither the *Griggs* case, nor its progeny, altered the standard allocation of the burdens of proof in Federal civil actions set forth in Federal Rule of Evidence 301. Under *Ward's Cove*, for example, a disparate impact case proceeds in three stages. Initially, the plaintiff identifies the specific employment practice (or practices) and shows that it causes a disparate impact on his or her group—the *prima facie* case. Next, the employer has the burden of production to produce evidence justifying the use of the employment practice in question—the "business necessity." Under consistent Supreme Court precedent since the 1971 *Griggs v. Duke Power* case, "business necessity" means "manifest relationship to the employment in question." Lastly, the plaintiff (employee) has the burden to persuade the fact finder and to prove that the employer's evidence is unpersuasive—that the employer discriminated or that the employer could employ another rule of hiring that would cause less of a disparate impact. The Supreme Court in *New York City Transit Authority v. Beazer*, 440 U.S. 568, 587 n. 31 (1979), made clear that the "ultimate burden of proving" a case under Title VII rests with the plaintiff. *Ward's Cove* was nothing new, just a restatement by the Supreme Court of the fact that the burden of proof in disparate impact cases, as it has since *Griggs*, rests with the plaintiff. This has always been true in Title VII intent cases, as well. Moreover, *Ward's Cove* discussion of "business necessity" is fully consistent with *Griggs*. Indeed, the Supreme Court in its 1979 *Beazer* deci-

sion, alleged that some or all of an employer's practices resulting in the imbalance, relying on the Griggs "manifest relationship" language, used virtually the same language which is being criticized in Ward's Cove. Yet no one, so far as I know, complained in 1979.

The new bill would severely alter this state of affairs. The plaintiff under Kennedy-Hawkins need only identify a statistical imbalance in a job, without identifying even a single, specific employment practice allegedly causing the imbalance. Then, the plaintiff rests his or her case. The employer now has the burden of production and persuasion and must therefore prove an affirmative defense—a result inconsistent with the Federal Rules of Evidence and with prior caselaw, such as *Beazer*. The new burden of proof has the effect of presuming an employer guilty with the virtually insurmountable burden of proving its defense—that the challenged practice is justified by "business necessity."

And what of the new definition of "business necessity?" The proponents of the bill urge that the Act would revive the disparate impact test set forth in Griggs. However, the Griggs standard, applied in many cases following Griggs, is that a hiring requirement is a "business necessity" if it has a "manifest relationship to the employment in question." See *Watson v. Ft. Worth Bank and Trust*, 108 S. Ct. 2777 (1988), *Connecticut v. Teal*, 457 U.S. 440 (1982), *New York Transit Authority v. Beazer*, 440 U.S. 568 (1979), and *Albermarle Paper Co. v. Moody*, 422 U.S. 405 (1975). In contrast, the proposed bill defines "business necessity" as having a "significant relationship to successful performance of the job." As any lawyer would quickly perceive, the proposed standard is clearly more onerous than the Griggs test. It is much more difficult under the new standard to define what hiring criteria will pass muster as a "business necessity."

The proposed bill also amends existing law by allowing juries to award compensatory damages and punitive damages in cases of intentional discrimination in addition to the backpay available under existing civil rights law. It also changes Title VII in a variety of ways making it more difficult to settle cases. Thus, if the plaintiff is charging intentional discrimination, the consequences of the employer's failure to prevail could be jury awards of compensatory damages (unlimited in amount) and punitive damages (with a "limit" being the greater of \$150,000 or the sum of compensatory damages, backpay and other equitable monetary relief).

Why then is Kennedy-Hawkins really a bill leading to quotas? To answer this question one must look at the practical effect of such a bill on employers. Because "business necessity" is so hard to define, and because the burden of proof would be so onerous under the new act, employers will do everything in their power to avoid lawsuits under Kennedy-Hawkins. This will undoubtedly cause an extreme reaction by employers in one of two forms. Either the employer will move out of town or will use a quota hiring system. In either case, the only absolute protection an employer will have is in the numbers because "business necessity" defenses will be so hard to prove. An employer may resort to hiring a team of statisticians to analyze the relevant labor market where the business is located and to develop percentages based on categories of race, color, religion, sex and national origin. The possibilities are endless and in some cases absurd. For example, with respect to religion, employers will have to keep count of the number of Jews, Christians, Muslims, etc., and perhaps subdivi-

sions, e.g., Lutherans, Catholics, Seventh-Day Adventists, Sunni and Shiite Muslims, Orthodox, Conservative and Reform Jews.

I believe that if the algorithm gets too complex, an employer is likely to move to an area of the country that reflects the national applicant pool on the basis of race, religion, gender and national origin. For example, nationally, Blacks are about 12% of the population; Hispanics are about 8%; Asians are approximately 2%; and whites make up the balance. In New York City, the Black and Hispanic population is about 50%. Obviously, relocating would give the employer far greater options in hiring and less fear of lawsuits, large backpay awards and the legal fees in disparate impact cases, and the compensatory and punitive damages that might be awarded if it loses a lawsuit in an international discrimination case. I believe multi-national and national corporations would do exactly that. In addition, it may be that these corporations could hire nationally and internationally in their principal offices and send their people to cities like New York rather than hiring locally. If that is legally permissible, who would suffer? Obviously, the local labor pool.

And what if employers remained in their locations and were subject to Kennedy-Hawkins? Employers would feel forced to hire on the basis of the numbers and not the most qualified persons on job-related qualifications. The equal employment opportunity that the civil rights laws were to afford to all people qualified for a particular job will now be transformed into equal employment numbers for all groups of people without regard to differences in qualifications. For example, a well-qualified white male in New York City could be rejected by many employers because the applicant pool would be at least 50 percent Black and Hispanic and 25 percent white female. In order to avoid disparate impact—a presumptively illegal outcome—employers will, in many cases hire Blacks, Hispanics and white women, in proportion to the applicant pool, even if they are less qualified, over better qualified applicants then being considered in order to avoid costly disparate impact litigation they are almost certain to lose. How could an employer hope to justify hiring in many of these situations a more qualified white male over a minimally qualified Black, Hispanic, white female or other nationality applicant as a "business necessity" under Kennedy-Hawkins?

In addition, the threat of a plaintiff's charge of intentional discrimination and the monetary consequences of a jury's finding of liability and award of compensatory and punitive damages, would be a further incentive to employers to use quota hiring. Wouldn't employers simply hire on the basis of race, national origin, gender and religion, filling the required percentages, so as to avoid compensatory and punitive damage awards set by a jury?

For example, with Jews constituting only 3 percent of the total population of America, would they not be subject, as they were in the Soviet Union and other anti-Semitic regimes elsewhere in Europe, to a type of "numerus clausus" provision which limited entry of Jews to the universities to a percentage roughly reflecting their percentage of the general population? Haven't we agreed and didn't Martin Luther King, Jr. hope that someday each individual would be judged on his or her own merits without regard to their race, religion, gender or national origin? What I believe we should seek to do in assisting minorities who have indeed suffered from

discrimination is to open the blocked avenues and end the invidious discrimination without imposing new such discriminations on others.

Can you imagine what would happen to a corporation accused of intentional discrimination against Hispanics or Blacks in the Bronx and tried by a jury in that borough? Can you conceive the damage awards such a jury would render? If you can't, then do a little research with the New York City Corporation Counsel on simple negligence cases that are tried in the Bronx against the City of New York as defendant. You will find that the judgments in many cases are grossly excessive. The Corporation Counsel in New York City rarely tries a case to conclusion in that borough, preferring to settle rather than depend on a fair jury outcome in a milieu where jurors see New York City as Mr. Deep Pockets without realizing that monies taken from the city treasury for such judgments make for less monies available to provide essential City services. But that consideration is a fact of life, and I suspect there would be even worse outcomes when the juries are judging major corporations as defendants and find intentional discrimination.

The new proposed law applies not only to the private commercial sector but also to universities and to government as well. So, when it is enacted, and it failed by only one vote in the Senate in the veto override attempt, you can expect a new assault upon the universities and local governments. In the case of the universities, the objective would be to have the professors mirror the national population of post-secondary instructors or applicant pool in skin tone, gender, nationality and religion; and in the case of local government, all appointed positions from Commissioner on down would be made within the statistical hiring requirements so as to avoid disparate outcome. Is this what America is all about? I hope not.

Even worse, this so-called "civil rights" act will, in application, do more harm to our already suffering economy by reducing private and public sector efficiency (not having the most qualified employees) and will also exacerbate existing social problems in the communities where preferential affirmative action has actually caused problems.

With respect to efficiency, employers will consider either relocating or hiring less qualified individuals to fill the jobs and to meet the implicit numbers' requirement of the bill. The weakening economies of the cities which employers are likely to leave (i.e. New York City, Los Angeles, Chicago) would suffer with a further loss of jobs, reductions in corporate tax collections and a reduction in economic activity in general. However, the relocation costs would ultimately be borne by all of us in these central cities in the form of reduced services and higher taxes.

As to the already existing social problems caused by preferential affirmative action programs several scholars, including the noted professor and sociologist Thomas Sowell, have observed that racial quotas and discriminatory affirmative action programs have not helped the intended beneficiaries. Those who are often preferred are the very ones who could have competed with the best.

The Kennedy-Hawkins bill misses the mark on all counts. If we are to uphold our commitment to civil rights—as we should—we must set in motion programs to ensure that all deprived persons—without regard to race, color, religion, sex or national origin—have the opportunity to achieve their full potential. Yes, in the words of Griggs, the

employer should use employment criteria bearing a "manifest relationship to the employment in question." As the Court there added: "Congress has not commanded that the less qualified be preferred over the better qualified because of minority origins. Far from disparaging job qualifications as such, Congress has made such qualifications the controlling factor, so that race, religion, nationality, and sex become irrelevant." 401 U.S. at 436. Kennedy-Hawkins is in direct conflict with these principles.

We should focus our efforts on assisting minorities who have suffered from unequal opportunity by providing additional and better education and vocational training for these individuals, never excluding from these programs others equally poor or deprived simply because they are white. The solution is not to place unqualified minority workers, or others of different national origin, in jobs for which they are not adequately trained as a band-aid to end discrimination. If anything, this is the way to destroy the self-esteem of many workers, heightening anger and discrimination among fellow employees when some members of the workforce are unable to carry their fair share of the load. Furthermore, such practices often unfairly reflect adversely upon the many minority members who were hired because they were qualified and are better than other applicants. They unfairly become judged, not as individuals, but as members of a protected class, not able to compete with others.

Opposition to the proposed bill, which has been reintroduced in 1991 as HR1, in even more discriminatory form than the amended version of 1990, must continue. Although many proponents of the bill will insist that to oppose this so-called "civil rights" bill is racist, I urge them to take a closer look at the damage their bill would do if passed. And I urge those who in good conscience have concluded the proposed legislation is bad for everyone concerned, not to be intimidated by false charges of racism.

CHARLESTON GOES TO WAR

Mr. HOLLINGS. Mr. President, we are now in day 41 of Desert Storm—day 41 of the most massive, relentless, and successful air campaign in the history of warfare, now combined with the largest ground offensive since World War II. We cannot help but be impressed by the courage of America's warriors. But beyond courage, what impresses me is the sheer competence and can-do professionalism of our men and women in the gulf.

Mr. President, people in my hometown of Charleston take justifiable pride in a long and rich tradition of military service, a tradition that stretches back to Francis Marion and the Revolutionary War. In the latest conflict, F-16 fighters piloted by Charlestonians have flown daily combat sorties against Iraq's Republican Guard. Appropriately enough, the 157th Tactical Fighter Reserve unit, which flies those F-16's, calls itself the Swamp Fox Squadron. It is a thrill to see video on CNN of those F-16's with South Carolina painted in bold letters on their tailfins.

Mr. President, Charlestonians are serving in the Persian Gulf war on the

ground, in the air, and at sea. Naturally, the public's attention has been focused on the heroics of our fighter and bomber pilots in the Iraq-Kuwait theater, but there is another group of pilots and support crews whose role in this campaign, though largely unsung, has been truly heroic in its sheer scale and intensity. I refer to the men and women—active duty and reserve alike—attached to the 437th Military Airlift Wing based at Charleston Air Force Base.

Charleston is the premier Military Airlift Command facility in the United States, homebase for 58 of the Air Force's huge C-141 Starlifter aircraft. To date, these mammoth cargo planes from Charleston—each with a cargo capacity of 91,000 cubic feet—have hauled countless tons of war-fighting supplies and personnel to the Persian Gulf. The airlift has been an extraordinarily demanding, round-the-clock effort that surged on August 7 and hasn't let up since. More than 40 of Charleston's 58 C-141's are in action at any given time. As Defense Secretary Dick Cheney put it, Charleston's pilots have "flown the wings off" their C-141's in support of Desert Storm.

Led by Wing Comdr. Col. John W. Handy and Vice Comdr. Howard J. Ingersoll, it has been an inspired team effort that has won recognition for the 437th Military Airlift Wing as truly an elite unit, and I mean from top to bottom: Loadmasters, pilots, copilots, flight engineers, maintenance crews, you name it. They have kept 100 percent of the C-141's mission ready, and they have flown without a single mishap. This is a sterling performance, and I can't imagine a more eloquent tribute to the professionalism and dedication of these men and women.

To handle this nonstop Desert Storm surge, Charleston's four active-duty flying squadrons have been supplemented by two reserve squadrons—drawn from the 315th Military Airlift Wing Reserve—whose pilots and support crews come from across South Carolina and several other Eastern States. One of these reservists is Sgt. Gideon Pearson, who in peacetime is principal at Ronald E. McNair Elementary School in north Charleston.

All totaled, some 1,500 reservists from the 315th Military Airlift Wing have been mobilized, including military police, loadmasters, maintenance personnel, and other specialists. The entire 315th USAF Reserve Clinic has been activated, totaling more than 100 specialists. Their job will be to help staff the medical facilities at Charleston Air Force Base, which is one of three major stateside hubs for casualties returning from the war. Another 200 medical flight nurses and in-flight medical technicians of the 31st Aeromedical Evacuation Squadron have been activated to accompany C-141's carrying wounded troops from the

war theater to hospitals in Germany and the States. One reserve unit, the 38th Aerial Port Squadron—commanded by a Citadel graduate, Maj. Murray Compton of Charleston—has been deployed at several air bases in Saudi Arabia.

To put it mildly, it has not been business as usual at Charleston Air Force Base for some time now. Not only has there been a drastically increased tempo of flights and ground activity, there have also been several notable wartime innovations. On that score, the biggest success has been Desert Express—the brainchild of Charleston-based planners and flown exclusively by Charleston C-141 pilots. Two Desert Express flights leave Charleston daily, carrying critical "show-stopper" repair parts and supplies for our forces in the Persian Gulf. Each flight arrives 17 hours later in Saudi Arabia after a brief refueling stopover in Europe. In effect, this is the Air Force's answer to Federal Express overnight delivery, and it has been a brilliant success.

Mr. President, a proud Charleston naval tradition also continues in this war. Ten combat ships, with crews totaling more than 3,000, have departed their piers on the Cooper River to take up station in the Persian Gulf. They include two guided missile destroyers, the *MacDonough* and the *William V. Pratt*; the guided missile cruiser *Richmond K. Turner*; the destroyer *Moosbrugger*; three guided missile frigates, the *Nicholas*, the *Hawes*, and the *Halyburton*; two minesweepers, the *Avenger* and the *Leader*; and the ammunition ship *Santa Barbara*. The *Nicholas* and her crew of 200 under Comr. Dennis G. Morral of Charleston directly supported the Jan. 18 commando raid on Iraqi-held oil platforms off of Kuwait and took onboard the first Iraqi POW's of this war.

Rear Adm. Stanley E. Bump, commander at the Charleston Naval Base and head of the Navy's Mine Warfare Command, has deployed to the gulf, as has the command staff of Cruiser Destroyer Group II under Rear Adm. Douglas J. Katz. In addition, Charleston-based mine warfare and surface warfare specialists, as well as explosives-ordnance disposal experts are today at war in the Persian Gulf.

Mr. President, these sailors, airmen, and soldiers from Charleston are among our best and finest. They are doing an extraordinary job for our country, and they are doing South Carolina proud. My hat is off to every one of them, and I pray for a safe and speedy conclusion to their Desert Storm mission. We will welcome them back as heroes.

MYRTLE BEACH AIR FORCE BASE: PRIDE OF SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, we are now in the sixth week of the Per-

sian Gulf war, which is to say that we are in week 6 of the most massive, intensive, and successful, air campaign in the history of warfare. Much has been written about the pride Americans have taken in the performance of our airmen and aircraft. The infantry may yet be called upon to deliver the coup de grace, but make no mistake about it: It is United States airpower that has brought Iraq's Army to its knees.

Mr. President, I can tell you that no community takes greater pride in this performance than Myrtle Beach, SC. A-10 Warthogs from the 354th Tactical Fighter Wing based at Myrtle Beach Air Force Base have been the surprise overachiever of this air campaign. These warplanes were supposedly too old, too slow, too low-tech, and too ugly, but they have played a starring role in the air campaign against Iraq's armor and artillery. And when and if the ground phase begins, once again it will be the Warthogs that will do the heavy lifting—providing tactical support to advancing American infantry.

The reason for this is simple: The A-10 has proved its mettle as the world's premier tank-killing aircraft. In the hands of superbly trained pilots from Myrtle Beach's 354th, these planes have become the scourge of Iraq's Republican Guard. Round the clock for more than 5 weeks now, these planes have blasted Iraqi tanks, bunkers, supply convoys, artillery, you name it. One A-10 even scored an unheard of air-to-air kill, knocking an Iraqi helicopter out of the sky. Saddam has met his match, and it came courtesy of Myrtle Beach, SC.

Mr. President, the A-10 pilots have put on an awesome demonstration of skill and professionalism—not to mention raw courage and tenacity under fire. In addition to hitting Iraq's army with murderous efficiency, A-10 pilots also have played a key life-saving role by assisting in the rescue of downed pilots behind enemy lines. In the first week of the war, we marveled at the heroics of two pilots of the 354th, Capt. Paul Johnson and Capt. Randy Goff, who helped to locate a downed Navy pilot and then provided cover fire during the helicopter rescue.

Of course, it goes without saying—but it must be said—that the pilots of the 354th Tactical Fighter Wing stand on the shoulders of an equally superb and skilled team of technicians, mechanics, munitions loaders, and other ground-support personnel. Base Commander Col. James A. Moen and Wing Comdr. Col. Ervin C. Sharpe have molded an elite fighter wing, and they have proved their excellence under the most difficult and exhausting conditions. Their performance is the most eloquent rebuttal I can imagine to those so-called Pentagon experts who, a short year ago, were hellbent on retiring the A-10 and closing down Myrtle Beach Air Force Base.

Mr. President, the men and women of the Myrtle Beach's 354th Tactical Fighter Wing are among our best and finest. They are doing an extraordinary job for our country, and they are doing South Carolina proud. My hat is off to every one of them. I join all Americans in praying for their safe and speedy return. We will welcome them back as the heroes they are.

HONORING GEN. MAXWELL R. THURMAN

Mr. NUNN. Mr. President, I want to pay tribute today to an outstanding American and professional military man who has served his country with distinction. Gen. Maxwell R. Thurman ends a career of service in the U.S. Army that has spanned nearly 38 years. He will be honored in a retirement ceremony today at Fort Myers, and he departs active service with the thanks and admiration of a grateful nation.

Commissioned a second lieutenant in 1953 after graduating from the Reserve Officer Training Commission Program at North Carolina State University, General Thurman began his outstanding career of service in the Army. He joined the artillery branch and, over the years, held many operational and staff assignments that took him to Germany, twice to Vietnam where he commanded a battalion in combat, command of the 82d Airborne Division Artillery, and many other key assignments in and out of the United States.

I recall one of the early opportunities I had to work with General Thurman. In the mid to late 1970's he was the Army's top program analyst. On very short notice he provided me with a coherent and precise assessment of the Army's shortfalls and what budgeting fixes were necessary. We were able to highlight these shortfalls and to make changes in the budget over time to correct them.

That was typical of Max Thurman. He would tackle a tough problem directly, and work tirelessly to solve it once it was known.

One of General Thurman's greatest contributions is probably least well known. The Army entered the 1980's needing to improve the quality of its enlisted force. General Thurman commanded the Army's Recruiting Command and put in place the policies that reversed many of the negative personnel trends and led directly to a U.S. Army that today is the highest quality in our Nation's history.

From this position, General Thurman was promoted to become the Vice Chief of Staff for 4 years, essentially running the day-to-day operations of the Army. In so many ways, the foundations upon which our highly capable Army is built are thanks to the tireless dedication and efforts of General Thurman.

After serving as the Vice Chief of Staff, General Thurman continued his

service as the commander responsible for the training and doctrine for the entire Army. The air-land battle doctrine in use in the Persian Gulf today, and systems such as the Army Tactical Missile System and the Joint Surveillance and Target Acquisition Radar System [JSTARS] and many other systems were supported and pushed by General Thurman when he commanded TRADOC. Without exaggeration, General Thurman's good work has touched every facet of the U.S. Army.

Then, with this full and successful record of service, General Thurman took on the challenge of commanding the United States Southern Command in Panama in July 1989. Immediately upon taking command, General Thurman oversaw an extensive planning sequence that eventually led to the highly successful Operation Just Cause in Panama. Senator WARNER and I had the opportunity to visit with General Thurmond while the operation was ongoing, and I can attest to the key elements of his leadership.

Many times General Thurman testified before committees of the Senate and the House of Representatives. I always welcomed his testimony, knowing it would be crisp, concise, well-informed, and straightforward. General Thurman always told it like he saw it.

During recent months, General Thurman has waged a personal battle with a serious illness. I wish him well in his continued recovery, as General Thurman has much more to offer this country in his retired status. I know he will remain active in service to the Army, the Department of Defense, and his beloved country as a private citizen.

This Nation and the Army will suffer a loss with the conclusion of General Thurman's active service in uniform, but we are far richer for the long and dedicated service he rendered.

I am honored to have worked with Gen. Maxwell R. Thurman and he knows he leaves with the highest accolade one can give a combat soldier—a nation's thanks for a job well done.

Mr. President, I ask unanimous consent that complete biographical information on General Thurman be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESUME OF SERVICE CAREER OF MAXWELL REID THURMAN, GENERAL

DATE AND PLACE OF BIRTH: 18 February 1931, High Point, North Carolina

YEARS OF ACTIVE COMMISSIONED SERVICE: Over 37

PRESENT ASSIGNMENT: Medical Hold, Office of the Chief of Staff, Army, Washington, DC 20310, since December 1990

MILITARY SCHOOLS ATTENDED: The Ordnance School, Basic Course; The Artillery School, Basic and Advanced Courses; United States Army Command and General Staff College; United States Army War College

EDUCATIONAL DEGREES: North Carolina State University at Raleigh—BS Degree—Chemical Engineering

FOREIGN LANGUAGE(S): None recorded

MAJOR DUTY ASSIGNMENTS

Jul 53-Oct 53: Student, Associate Ordnance Officer Course, United States Army Ordnance School, Aberdeen Proving Ground, Maryland

Nov 53-Mar 54: Student, Field Artillery Officer Basic Course, United States Army Artillery School, Fort Sill, Oklahoma

May 54-Mar 55: Reconnaissance and Survey Officer, Battery C, 457th Airborne Field Artillery Battalion, Fort Campbell, Kentucky

Mar 55-Jun 55: Aide-de-Camp to the Commanding General, 11th Airborne Division Artillery, Fort Campbell, Kentucky

Jun 55-Aug 55: Assistant Adjutant, 11th Airborne Division Artillery, Fort Campbell, Kentucky

Aug 55-Jan 57: Liaison Officer, later Assistant S-2, 11th Airborne Division Artillery, United States Army Europe

Feb 57-Nov 57: Platoon Commander, Battery C, 377th Artillery (Airborne) (Honest John), 11th Airborne Division, United States Army Europe

Nov 57-Nov 58: Platoon Commander, Battery D, 1st Field Artillery Battalion (Rocket/Howitzer), 34th Artillery, United States Army Europe

Dec 58-Aug 59: Assistant Adjutant, 1st Officer Student Battery, United States Army Artillery and Missile School, Fort Sill, Oklahoma

Aug 59-Jun 60: Student, Artillery Officer Advanced Course, United States Army Artillery and Missile School, Fort Sill, Oklahoma

Jun 60-Dec 61: Instructor, Battery Operations Unit, Hawk Branch, Officer Instruction Division, Low Altitude Missile Department, and later Air Defense Missile Tactics Officer, Air Defense Tactics Division, Command and Staff Department, United States Army Air Defense School, Fort Bliss, Texas

Dec 61-Apr 63: Intelligence Officer, I Vietnamese Corps and Tactical Zone I, Danang, United States Military Assistance Command, Vietnam

Apr 63-Jul 66: Company Tactical Officer, later Cadet Activities Officer, Staff and Faculty, United States Military Academy, West Point, New York

Jul 66-Jun 67: Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas

Jun 67-Sep 67: Student, Defense Language Institute, Biggs Fields, Fort Bliss, Texas

Oct 67-Jan 68: Assistant Group Commander and later Executive Officer, 54th Artillery Group, II Field Force Vietnam, United States Army, Vietnam

Jan 68-Sep 68: Commander, 2d Howitzer Battalion, 35th Artillery, 54th Artillery Group, II Field Force Vietnam, United States Army, Vietnam

Sep 68-May 69: Training Staff Officer, Policy and Programs Branch, Office of the Deputy Chief of Staff for Personnel, Washington, DC

Jun 69-Jun 70: Student, United States Army War College, Carlisle Barracks, Pennsylvania

Jun 70-Nov 72: Analyst, later Team Chief, Office, Assistant Vice Chief of Staff, Army, Washington, DC

Nov 72-Feb 73: Special Assistant to the Assistant Vice Chief of Staff, Army, Washington, DC

Mar 73-Feb 75: Commander, 82d Airborne Division Artillery, 82d Airborne Division, Fort Bragg, North Carolina

Mar 75-Apr 77: Deputy Chief of Staff for Resource Management, United States Army Training and Doctrine Command, Fort Monroe, Virginia

Apr 77-Nov 79: Director, Program Analysis and Evaluation, Office, Chief of Staff, United States Army, Washington, DC

Nov 79-Jul 81: Commanding General, United States Army Recruiting Command, Fort Sheridan, Illinois

Aug 81-Jun 83: Deputy Chief of Staff for Personnel, United States Army, Washington, DC

Jun 83-Jun 87: Vice Chief of Staff, United States Army, Washington, DC

Jun 87-Jul 89: Commanding General, United States Army Training and Doctrine Command, Fort Monroe, Virginia

Jul 89-Dec 90: Commander-in-Chief, United States Southern Command, Quarry Heights, Panama, APO Miami

Promotions	Dates of appointment	
	Temporary	Permanent
2 LT	19 Jul 53	19 Jul 53
1 LT	19 Jan 55	19 Jul 56
CPT	2 Sep 59	19 Jul 60
MAJ	19 Jun 63	19 Sep 67
LTC	10 Mar 67	19 Jul 74
COL	17 Apr 73	19 Jul 77
BG	4 Jun 75	7 Oct 77
MG	1 Dec 73	7 Oct 77
LTG	30 Jul 81	
GEN	23 Jun 83	

U.S. DECORATIONS AND BADGES: Defense Distinguished Service Medal; Distinguished Service Medal (with 3 Oak Leaf Clusters); Legion of Merit (with Oak Leaf Cluster); Bronze Star Medal with "V" Device; Bronze Star Medal; Meritorious Service Medal (with Oak Leaf Cluster); Air Medals; Army Commendation Medal (with Oak Leaf Cluster); Joint Service Achievement Medal; Master Parachutist Badge; Army Staff Identification Badge

SOURCE OF COMMISSION: ROTC

SUMMARY OF JOINT ASSIGNMENTS

Assignment	Dates	Grade
Intelligence Officer, I Vietnamese Corps and Tactical Zone I, Danang, United States Military Assistance Command, Vietnam.	Dec 61-Apr 63	Captain/Major.
*Vice Chief of Staff, United States Army, Washington, DC.	Jun 83-Jun 87	General.

*Joint Equivalent

As of 5 December 1990.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,173d day that Terry Anderson has been held captive in Lebanon.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I ask unanimous consent that Ruth Amberg be given privileges of the floor during the pendency of S. 419, the RTC Funding Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

RESOLUTION TRUST CORPORATION FUNDING ACT

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 22, S. 419; I do so at the request of the majority leader, who has the authority to call up this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

Mr. RIEGLE. Mr. President, I will now begin the discussion on this legislative item. I will make an opening statement, and I gather that my colleague from Utah, the ranking minority member of the committee, will do likewise.

I know there are colleagues who have indicated that they have collateral issues to this measure that they wish to raise. I know particularly that the Senator from Ohio has so indicated. I assume he may come to the floor a bit later to raise some of those issues.

I rise at this time, Mr. President, as chairman of the Senate Banking Committee, to express my strong support, and the support of the committee, for the Resolution Trust Corporation Funding Act of 1991.

This is a simple and straightforward piece of legislation intended to accomplish three things: First, and most important, the bill would provide the RTC \$30 billion in interim funding to continue its necessary task of closing insolvent thrift institutions through the end of this fiscal year.

Second, the bill requires the RTC to provide Congress with detailed financial operating plans and schedules of projected insolvencies.

Third, the bill requires the RTC to provide audit and financial statements within 6 months from the end of the fiscal year. As it is in current law, there is no set time limit, and the statements for fiscal year 1989 are still not completed and available to us.

The need to provide the Resolution Trust Corporation with additional

funds presents the Congress with a simple choice. Either we act now to decrease the cost that American taxpayers will have to invest in order to resolve the thrift crisis, or, on the other hand, we delay that cleanup process with the inevitable effect of increasing the cost of getting it done.

Today, according to the administration's latest estimates, the total cost of this problem will be somewhere in the area of \$175 billion, expressed in present value terms. If you stretch that out over a 30-year timeframe, obviously, a different number can be developed. But in present value terms, the projected figure that they now foresee is in the range of \$175 billion.

If we delay in providing the additional funds that are needed at this particular time, and if we delay in enacting this legislation, then that price necessarily goes up. And it will rise, according to administration estimates, by a figure of between \$750 and \$850 million or more each quarter.

So that every 90 days, we could imagine tacking on a figure of roughly \$750 million, or more, in extra costs, avoidable costs, that this legislation would be able to prevent us from having to incur.

It was 18 months ago that Congress enacted, and the President signed into law, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. In that act, we provided \$50 million in funds to cover anticipated losses of federally insured thrift institutions, and we also provided access to temporary working capital to facilitate the resolution of failed thrift institutions.

We thought at that time that that was not enough money, although that was the amount that was officially requested by the administration. And later events have shown, indeed, that more has been made.

We find ourselves today with a situation where the funds that Congress initially provided are nearly exhausted. But a massive job still remains to be done. The committee's report that accompanies this bill states, "As of January 31, 1991, 183 thrifts with total assets of \$105 billion were in the RTC conservatorship," and that the Office of Thrift Supervision had designated an additional 161 thrifts, with a total of \$115 billion of assets as likely to be placed also into RTC conservatorship.

In addition to that, the Office of Thrift Supervision recognized that there were still an additional 356 more thrifts with total assets of \$191 billion, that were listed as "troubled," or in effect "in trouble," and in some danger of failure. So that we can anticipate, as well, that some part of that group will also, at some point, have to be shut down.

As long as the RTC lacks the money that it needs to close the insolvent thrifts, we find then that we have a situation where they are left open. And as

they are left open, they are incurring increasing losses and, eventually, those losses also have to make their way in to be paid for.

We want to avoid that in every way that we can, because every additional dollar that is lost by an insolvent thrift that remains open represents another dollar that all of us as taxpayers are going to have to provide.

Bringing this legislation to the floor is an unpleasant but necessary task. Like everyone else, I wish we had available to us a better and less painful way to resolve this particular problem. There is not another way open to us that one can see.

I want to take a moment to try to dispel two myths that have grown up around this issue, which would make it seem as if there were somehow simple or easy answers that we might turn to.

First, there is a misimpression that the money being provided pays off the shareholders in savings and loans, or developers who borrowed money and misinvested it, or the owners and managers of failed savings and loan organizations, and that is not the case.

They do not get one dime of the money that is provided here. The money that is provided in this legislation is for one purpose and that is to redeem the certificates of individual savers who have deposited their money into a given savings and loan.

So, within the levels of the insurance limit protection, depositors trust that we are standing behind the Federal deposit guarantee to make sure that the money is there and that they can receive the money that they have saved and put into that institution.

That is the only place the money goes. It does not go to anybody else. So the depositors who otherwise would lose the value of their deposits are the ones for whom this money is intended.

Second, some have said why do we not just have the RTC take the assets of failed thrifts that they now have in their possession and sell those off and use the proceeds from the sale of those assets, buildings, securities, and other things and use that money to cover the losses in the savings and loan system and in effect provide the money to pay off these depositors in insolvent institutions?

That money is not free and available for that purpose. In order to come up with the working capital to be able to take and hold the assets that were on the balance sheets of failed savings and loans, the RTC actually has gone to the Federal Financing Bank and borrowed money to be able to handle that inventory of assets that has taken from insolvent thrifts prior to the time that those assets can be recycled and sold off. When those assets are sold, no matter what they may be, that money is not free to cover losses in the savings and loan system. That money has to be used to repay these borrowings of

working capital that have come from the Federal Financing Bank.

The sale of assets which we want to encourage and which we would like to see moving along at a faster pace is a part of the problem that needs to be dealt with, but the proceeds from that activity are not available to cover the losses that have to be met with the bill that is before the Senate at the present time.

There should be no misunderstanding about that. There is not a magic way to accelerate the sale of existing assets to produce cash that in turn can be used to cover the losses that this particular legislation is aimed at dealing with.

Now, what that all means is that the RTC has exhausted the financial resources available to it to cover losses and as a result is not in a position to be able to close any more insolvent savings and loans. Those that remain open continue to run up increasing losses, and that is what we are all going to be stuck with unless we can provide the money so they can be shut down in an orderly way.

After the 101st Congress adjourned, the RTC stretched its resources by using a drafting error in the FIRREA bill to increase its temporary borrowing authority by several billion, to come up with the working capital that I have just cited. But in testimony to the Banking Committee on January 23, Secretary Brady indicated that the RTC can stretch no further in that area. He told the committee:

If the RTC fulfills its goals for January and February and does not receive additional funds it will have expended all available loss funds and it will be forced to stop closing and selling institutions by the end of February; namely, this month.

He further questioned, without funds the RTC will have to practice forbearance on insolvent thrifts that remain open and told us, as I already indicated, that the RTC estimates that forbearance for even one quarter would cost American taxpayers \$750 to \$850 million if we do not allow the orderly shutting down of institutions that are losing money.

At the same time the administration asked the committee to provide the RTC with permanent indefinite funding; namely, a blank check. They said, "Do not just give us a specified amount of money. We would like you to sign an open-ended authority of an unlimited amount, and as we need to draw money out to do this job, we will just take it as we need it."

It was not the desire or the thought that the committee should take that step and this bill does not do that. We decided to provide only interim funding in the amount of \$30 billion that will take us down through the remainder of this fiscal year, or until September 30, 1991.

The reason for that is really very straightforward. First of all, that is the amount they anticipated they will need to carry out the work down through the end of the fiscal year. But I think it would be irresponsible for us to sign a blank check when there are a lot of questions about the internal operations of the RTC and a number of suggestions as to how it might be restructured and made more efficient. We want to have an opportunity to look at those ideas and be in a position to recommend changes in the actual structure and work process of the RTC before we provide any money beyond the \$30 billion contained in this bill, which takes us down through the end of September. That, obviously, gives us enough time between now and then to see what changes might be in order for the RTC.

I know some of my colleagues will wonder whether \$30 billion is not too much money, whether we should keep the RTC on a tighter leash. I must say I have some sympathy for that point of view. I think with so much money at stake it is altogether proper for Congress to insist that the RTC be held to very high standards of accountability, and make sure that RTC does not have so much money available to it that waste ensues as a result of that.

I have to say, on the other side, I think reducing the funding amount below what we asked for would actually be counterproductive to that goal. The transactions that the RTC must engage in are very complicated, they are very sophisticated transactions. RTC is a huge organization. It has come into being in a relatively short space of time. It is roughly the size of Citicorp, now the largest private bank in our banking system, to give you some idea of the sheer magnitude of the organization that has come into being. So it takes a lot of people and a lot of planning to accomplish the assignment and the objectives that are set forth for the RTC.

I think if we were to say, in essence, look, we will give you, say, \$10 billion now, and come back when that \$10 billion runs out and we will give you another \$10 billion, I think that probability creates enough uncertainty in terms of cash-flow and lead times with respect to case resolutions that are now backed up and ready to go, which they need to try to deal with on an orderly basis. I suspect that the result of that would be fewer resolutions and on less favorable terms. I think more institutions that are losing money would stay open longer and the losses would mount up to taxpayers beyond what they otherwise will be.

The weight of argument is on the side of saying it is February now, almost March. Let us provide enough money to carry them with the planning horizon down through the end of September and give us time to see how the

machinery itself might be reengineered.

I have mentioned the fact that colleagues, and certainly some who are on the floor at the present time, have voiced concerns over the structure and the operational practices of the RTC, and I certainly share some of those concerns myself. I think the RTC could have moved faster to resolve its huge case backlog of conservatorships. I think it could be doing a better job of assets sales, although it is not an easy task in face of the kind of depressed real estate market we find across the country. I am concerned that the RTC complex administrative structure may in and of itself contribute to organizational inertia.

I have previously stated here on the floor that the committee will look closely at these issues in this session and consider what reforms, if any, it should enact. And that remains my intention.

We are going to have a hearing on that very subject on April 11 in the committee. I invite colleagues who have ideas for restructuring of the RTC to plan to come in and testify and offer their ideas at that time. I know Senator WIRTH and Senator KERREY of Nebraska both have proposed legislation to reform the structure of the RTC. Senator AKAKA has proposed legislation concerning RTC asset sales and environmental issues, and there are others that have been suggested as well. So anyone who has ideas in this area, we are interested in them, will look at them carefully and see what changes seem to make sense.

Finally, I want to say that the GAO Comptroller General Bowsher testified just last week on this issue:

With reference to this problem, such close slowdowns simply add to the eventual cost of resolution by allowing failed institutions to continue operating and incurring losses.

Continuing to quote him, he said:

We believe short-term funding bills covering less than 1 year would prove inefficient and costly.

So you have the comptroller general, who has been very much an arm's length independent party in examining the S&L workout situation, on record within the matter of a week or so telling us that he thinks this legislation provides the right amount of money, that it represents good operating practice, and a way to save some money for the taxpayer in this situation.

So this bill does not provide the blank check that was the administration's preferred funding alternative. Despite that, the administration is supporting this bill. It is needed.

We acted at the end of the last Congress to provide additional funding for closing of insolvent thrifts. It was not acted upon in the House, so we were not able to move that matter through and into law. We are coming back around again today. I know the House

was acting on it in committee today. But it is very important that this legislation be taken up and acted upon because there is an awful lot of savings that I think rides on it that ought to be realized.

I urge my colleagues on both sides of the aisle to support this legislation. I yield the floor.

Mr. GARN. Mr. President, the Senate is today taking up S. 419 for consideration, the Resolution Trust Corporation Funding Act of 1991. While this bill is the vehicle before the Senate today, it is not the issue before the Senate today.

The question before the Senate is whether or not we are going to lay politics aside and do what will impose the least cost upon the taxpayer.

The issue is not whether we are going to meet our obligation to the millions of depositors in our Nation's financial institutions: The question is whether we are going to do so as quickly and expeditiously as Government can, or whether we are going to delay meeting our obligations once again.

Mr. President, when I refer to delay, I do not wish to level any criticism at this body or its Members. Time and time again throughout the savings and loan insurance crisis the Senate has acted to provide funds to meet our obligations, only to see the process stifled by inaction on the part of the House of Representatives.

Last year it became clear that additional resources would be needed for the RTC to continue to shut down and dispose of bankrupt savings and loans. The Senate passed legislation last October providing funds for the RTC to continue its operations. That legislation was not taken up in the House. The 101st Congress subsequently adjourned without providing the RTC, an agency created by the Congress, with the additional funds necessary to do its job.

Mr. President, perhaps we should pause to remind ourselves just what that job is. The RTC was created by the Congress for one purpose alone. All other functions it performs are to further that purpose.

That purpose is to honor the solemn commitment of the Federal Government to the men, women, children, mothers, fathers, grandmothers, small businesses, shopkeepers, Elks clubs, and anyone else with an insured deposit in a failed savings and loan association, that their money is secure, and to do so in a way that takes back the least amount of money out of the taxpayers' pocket.

I do not remember that commitment ever being in question in this body. I know of no Senator who rejects that commitment, who does not acknowledge that obligation.

Unfortunately, and for a long list of reasons that I will not discuss today, the agency that originally insured

those deposits, the Federal Savings and Loan Insurance Corporation, itself became bankrupt. That bankruptcy, however, did not end our obligation to those depositors. Standing behind the obligations of the FSLIC was the full faith and credit of the Federal Government.

When FSLIC resources were exhausted it fell to the Federal Government to honor those obligations. The alternatives would have been to turn to the millions of depositors and say, "I am sorry, but your deposits are gone. There is no money left. Get along as best you can."

I do not remember anyone suggesting that course of action. Instead, after extensive hearings, debate, and legislative deliberations, the Congress enacted the law creating the Resolution Trust Corporation. The RTC was given the charge, as an agency of the Federal Government, to be the instrumentality through which the Federal Government met its obligations to insured depositors.

I do not believe, and again I do not hear anyone making a proposal, that because the cost of that obligation has grown we should walk away from it, that the RTC should not go forward and do its job. So the question before us today is not whether we are going to meet our obligation. The question again is only how—how specifically we handle it, and how expeditiously.

Today, as always in this process, the clock is against us. The longer we wait, the more it will cost. The problem will neither go away nor become easier as time goes by. The exact opposite is true.

Because of insufficient funds over the last few months, the RTC has already had to slow down its activities. When the RTC slows down its activities, that means that brain dead savings and loans stay in business. They do not make new loans. They merely continue existing operations, servicing existing deposits. But those existing deposits have to be serviced with money from somewhere, and that means more deposits are taken in or other liabilities are obtained in order to honor earlier deposits and pay employees.

This Government-operated pyramid scheme continues until the institution can be closed down. As the failed thrift stays open, this cycle goes on, and the cost continues to grow.

The RTC estimated that the lack of resources has already cost taxpayers an additional \$250 million to \$300 million. That is what the House of Representatives is responsible for. If they had considered taking up the Senate-passed bill they could have saved \$250 to \$300 million. I wish more of the taxpayers would understand that and start calling their Representatives and letting them know that they do not appreciate that. The RTC estimates it will cost another \$750 to \$800 million if

another 90 days pass without the RTC receiving needed funding.

I have not yet heard any good arguments for why we should increase the already heavy burden that must be carried by taxpayers. We cannot escape the costs of meeting our commitments to insured depositors. We can and should do all that is possible to avoid increasing costs.

We will not do that by avoiding the job before us today, no matter how distasteful that job may be. We can minimize costs only by doing all we can to get bankrupt savings and loans out of business, and that means giving the RTC the resources it needs to press forward with full speed.

I can only wonder what those who are reluctant to pass this bill today would do in the future when failure to act now will make the bill many times larger.

Mr. President, I presume that the doctor in the emergency room of a hospital would just as soon not have any patients. He would be much happier to stay home and spend a quiet evening with his family. But he knows that when an accident victim is brought in, failure to act is not an option.

That is not an option for us today either. We need healthy financial institutions to provide the loans for economic recovery, growth, and development. Keeping bankrupt S&L's in business undermines the health of other well-run, well-managed financial institutions. Delaying the job of cleaning them up prolongs financial weakness.

We should have provided new funds for the RTC last fall. As I said, the Senate tried, but the House failed to act. Of all of the unfortunate costs in this catastrophe, the most unfortunate are the ones that could have been avoided. So I suggest there be no more delay.

I experience a great deal of frustration, I suppose, because, having been a member of the Senate Banking Committee for the last 15 years, I have given literally dozens and dozens of speeches on the floor of this Senate on the need to modernize our financial system. I have argued not to continue with Band-Aids, and splints, and tourniquets, that we should not always be facing an emergency situation, but that we should look at structural reform that would make our system more competitive while also providing for more safety and soundness.

Congress, particularly the House of Representatives, year after year after year has failed to do that. We are paying the price for that delay. And beyond the issue of not providing structural reform and modernization for our financial system, when the bills come due, bills that we have been the main cause that they have been created, then we are unwilling to pay them because, I guess, it looks good to the tax-

payer to say, "No, I am against \$30 billion."

So is this Senator. No more than two or three Senators of this whole body have a more fiscally conservative voting record than I do over the last 16 years. But if I run up a charge account on my VISA or MasterCard, I have to pay the bill. Congress has run up that charge account, and now to say we are not going to pay it is not fiscally responsible. Just like that charge account, the interest and the penalties grow and grow. That is exactly what is happening in this situation.

My frustration grows because I have given this speech over and over again. I gave it in October 1986, when I stood on this floor and begged for a \$15 billion FSLIC recap—not from the Federal taxpayers but from the savings and loan industry. We were proposing that they pay the full charges, interest and principal, to bail out FSLIC at that time. The Senate passed it, but the House turned it down.

How many tens of billions of dollars has that cost us? Yet, politically, they seem to be able to get away with it over there. I wish I understood that. Mind you, that is 4½ years ago.

I look at all the criticism of the so-called 1988 deals. A lot of that criticism is justified. There is no doubt about it. Some of them obviously were not in the best interests of the taxpayers. But there was only one other choice the Federal Loan Bank Board had at that time: Keep the failed savings and loans open. Keep them open because Congress did not provide the money to close them down, even when that money was going to be provided by the savings and loan industry itself, not by the taxpayers. We turned them down. And so the Federal Home Loan Bank Board tried to put together the best deals they could, even if they were not the most efficient, or they would have had to keep the failed thrifts open.

I do not know how we estimate what the costs would be of keeping those institutions open, but it would certainly be a great deal more than the cost of those 1988 deals.

In these last few months we are doing it all over again. We did not give the RTC the money in the fall, so the distinguished chairman of the Banking Committee, the Senator from Michigan, has outlined what the RTC had to do in the last few months under the FIRREA legislation to keep operations going. They took advantage of a drafting error in the FIRREA legislation.

In a way it almost makes me wish they had not found a way to keep their operations in place, so that the true burden would lie where it should—with the Congress of the United States for not providing the funds.

I sometimes wonder after 8 or 9 years of coming to the floor and giving essentially the same speech—just the numbers are different, and a lot bigger—

how many times some of us have to come to the floor, give that speech over and over again, warn about the cost to the taxpayers, be ignored and then have those who defeat it somehow escape the political wrath they deserve for greatly exacerbating the problem.

One of the excuses they use is that, well, \$15 billion was not enough to solve the problem in 1986. Correct. It was not. But it would have made the problem today a small portion of what it is.

I remember one example of an institution in California, one of those State-chartered California institutions, that did not even have a retail office. It existed in one of those steel and glass high-rise office buildings in Los Angeles where they took brokered deposits from all over the country by phone. Nobody knew they existed. They just advertised high rates and so on.

The Federal Home Loan Bank Board did not have the money to close that thrift down in the fall of 1986. They could have closed it then for a little over \$80 million. That thrift was finally closed in 1989 for a little over \$800 million—just one institution.

So the record is very, very clear. Whatever the fundamental causes—interest rate mismatches, fraud, dishonesty, State legislatures allowing powers that were too speculative, too risky—we could discuss for days all those fundamental problems of why this occurred. But, interestingly enough, all of those problems combined have not created as much cost to the taxpayers as has Congress' unwillingness to deal with the problem up front, to have a little political courage, to say we do not like it but this is the problem and we are going to deal with it.

If anybody had told me on a late night in October 1986, when the chairman and I stood in back of this Chamber to try to get that legislation through, that 4½ years later we would still be debating the same problem—still trying to get the House of Representatives and some of our own Members in this body to deal with the issue rather than hide from it, rather than try to get political advantage by condemning the problem instead of endorsing solutions to the problem, I would not have believed it. I could not believe 4½ years later and less than an inch or two of hairline I would still be out here giving the same speech.

But the record is clear. It is in the CONGRESSIONAL RECORD—over and over again in great detail. Some of us were standing here, warning about the problem, how we should deal with it, and how we could minimize the cost. To be giving the same speech on February 26, 1991, is almost incomprehensible to me.

But I hope a few of our colleagues are listening and, once again, that the Senate will act responsibly as we have over

and over again. And maybe somebody will start sending a message to the House of Representatives that you cannot demagog the problem forever. You cannot play games with it forever and someday not have your voters catch up and find out who increased the costs, literally, by many, many times—hundreds of billions of dollars—because action has not been taken in the past.

Again, that is not hindsight. It is a matter of fact. It is a matter of CONGRESSIONAL RECORD to anybody who wants to take the time to go back and read it. They will find out there are a lot of people in this body who tried to do something about it. So I hope my colleagues will pass this swiftly, even recognizing that there are some problems with the RTC.

If I could rewrite the bill, that created the RTC, it would be different. It was a remarkable compromise at the time, a year and a half ago, considering all of the competing interests. It was a remarkable bipartisan effort under the circumstances. But there are some changes that need to be made. There is no doubt about that. Both the chairman and I agree, and on most of those issues for a change we are also in agreement on the specifics.

But today, on an emergency funding bill to minimize the cost, this is not the time to deal with those structural changes. On most of the proposed amendments to this bill that I have looked at, while some of them may be meritorious, we have held no hearings. We have had no testimony on them in the Senate Banking Committee. There is a time and place to consider those proposals, but not on this emergency funding bill. Let us get this bill out of here as quickly as we can and for once tell the American taxpayer that Congress has taken an action that will reduce the costs of the S&L bailout rather than increase them.

Before I yield the floor, I ask unanimous consent that a letter from Secretary Brady be printed in the RECORD, as well as a number of news articles that discuss the cost of delay.

There being no objection, the material ordered to be printed in the RECORD, as follows:

OVERSIGHT BOARD,
RESOLUTION TRUST CORPORATION,
Washington, DC, February 26, 1991.

Hon. ROBERT J. DOLE,
Republican Leader,
U.S. Senate,
Washington, DC.

DEAR LEADER: As Chairman of the Oversight Board of the Resolution Trust Corporation (RTC), I am writing to emphasize that unless Congress promptly provides adequate funding to the RTC, the RTC will be forced to further curtail its efforts to close bankrupt savings and loans. Already, the delay in authorizing additional funds has slowed case activity and cost the American taxpayer at least \$250 to \$300 million.

The Oversight Board has testified that full funding to permit the thrift clean-up would be preferable to interim funding. However,

the \$30 billion of loss funds that is provided by the Senate bill will permit the RTC to continue operating through the remainder of the fiscal year.

I am afraid that if any less than \$30 billion is provided, the result will be a start and stop cleanup process that produces further delays, substantial additional costs to taxpayers, and confusion and fear in the minds of depositors.

Accordingly, I repeat the Administration's urgent request that the Senate provide adequate funds to the RTC without controversial amendments that would delay the provision of funds and add to taxpayers' costs.

Sincerely,

NICHOLAS F. BRADY.

[From the Market News Service, Oct. 30, 1990]

CONGRESS FAILS TO PASS RTC BILL; THRIFT BAILOUTS COULD BE HALTED

WASHINGTON.—Congress adjourned early Sunday morning until January without passing a bill providing urgently needed funds for the Resolution Trust Corp.

The RTC has already halted its efforts to close large failed thrifts for lack of funds, and its bailout operations could come to a complete halt before the end of the year, agency officials said last week. Failure to close the hundreds of failed thrifts currently awaiting action could cost taxpayers almost \$1 billion by the end of the first quarter next year. RTC Chairman William Seidman said in a letter to key lawmakers last week.

The RTC may have access to nearly \$24 billion in funds that could carry it through until early next year, a senior House Banking Committee staff member told Market News Service. Additional funds could come from accelerated asset sales, he added.

The RTC has a \$5 billion line of credit with the Treasury, which the agency could use in the interim, the staff member said. In addition, a drafting error in the original thrift bailout bill did not count the original funds appropriated from the Treasury toward the total \$50 billion in bailout funding, leaving \$18.8 billion in untapped funding that could now be used, he said.

The Treasury and RTC, under a gentleman's agreement with the House and Senate banking committees, have not tapped the extra funding authority created by the drafting error. It is unclear whether the Treasury would now feel justified to use the funds or would wait for formal authority from Congress to tap them. Treasury and RTC officials could not be immediately reached for comment.

Congress is scheduled to return Jan. 3. Drafting of a new RTC funding bill in both the House and the Senate would likely take several weeks. President Bush could also call Congress back into session after the Nov. 6 election to deal with the problem, as Sen. Jake Garn, R-Utah, ranking Republican on the Senate Banking Committee, suggested Sunday.

A smoldering dispute between Treasury Secretary Nicholas Brady and members of the House Banking Committee appears to have played the major role in blocking passage of the funding bill. House Banking Committee Chairman Henry Gonzalez, D-Texas, and other committee members were infuriated that Brady would not testify before their panel on the request for additional funds.

Despite his dispute with Brady, Gonzalez passed through his committee a bill authorizing an additional \$10 billion in funding for thrift losses and formally authorizing the

RTC to use the \$18.8 billion caused by the drafting error. The funds would have been sufficient to last through the end of February, RTC officials had said.

The Senate, in one of its final acts before adjourning, approved a bill identical to that passed by the House Banking Committee.

But neither the House bill nor its Senate twin came up for a vote on the House floor, as first Rep. Frank Annunzio, D-Ill., and then Rep. William Dannemeyer, R-Calif., objected on procedural grounds to the vote, staff aides said. Because of general unhappiness with the slow progress of the bailout, its huge cost, and Brady's unwillingness to testify, the House would have voted down the bill anyway, senior House Democratic aides, said.

Annunzio, a senior member of the banking panel, told Market News Service that the RTC "doesn't need \$10 billion," and suggested that the agency accelerate asset sales to raise funds. Brady "should have honored the invitation" to testify, Annunzio said.

Objections to the administration's handling of the bill were not confined to the House. The Senate was unable to consider the \$57 billion funding bill passed by the Senate Banking Committee because of an objection by Sen. Bob Kerrey, D-Nebr., primarily due to Brady's failure to appear before the House panel. Kerrey was persuaded to remove his objection only after he was assured that the bill would be scaled down to the House level to ensure that Brady did appear before Congress again early next year to seek more funding.

[From the Wall Street Journal, Oct. 30, 1990]
FUNDING DELAYS FOR S&L CLEANUP TO COST TAXPAYERS \$1 BILLION TO \$8 BILLION MORE

(By Paulette Thomas)

WASHINGTON.—Delays in funding the savings and loan cleanup are expected to cost taxpayers an additional \$1 billion to \$3 billion, the result of a battle between Congress and the administration.

The Resolution Trust Corp. said it will postpone the sale of 18 large, failed thrifts with total assets of \$30 billion. The agency originally had planned to sell them this quarter. The delay will pile on additional losses to the government, which is operating the S&Ls, and it will decrease the institutions' value, thus lowering their eventual sales prices.

The S&L cleanup agency won't advertise the sale of the large thrifts until it is certain that Congress will give it the cash necessary to complete the sales. "Until we know which way they will go, we have to hold tight," said David Cooke, director of the RTC.

The agency requires funds to compensate buyers for bad investments held by the S&Ls. With an election days away, Congress failed to provide additional funds for the S&L cleanup, even though all sides acknowledged that delays would cost huge sums.

"The biggest factor is delay," said Bert Ely, an industry consultant in Alexandria, Va. "We are back in the exact same game again." He estimated that the cost of holding the S&Ls will be \$2.6 billion for three months, and much higher if the delays continue longer than that.

The RTC estimated that operating losses alone would total \$950 million for two quarters. It didn't estimate the costs from deterioration of government-held thrifts and their assets, but said those would "substantially add" to the costs.

Congress and the administration blamed each other for the funding failure. John Robson, deputy Treasury secretary, said the

fault lay solely with the House. "This was a failure of the House to meet an important national responsibility," he said. "We broke our necks to get this through."

But Rep. Henry Gonzalez (D., Texas), chairman of the House Banking Committee, said the administration didn't do enough. "There was absolutely no evidence that anyone in the administration turned a hand to help us gain support in the closing hours of the session," he said. He added that he would hold hearings before the next congressional session on the RTC's performance before considering funding for next year.

Late yesterday, the RTC was awaiting word from the Treasury about whether it will be permitted to exercise a drafting loophole in the S&L cleanup law, which would have the effect of giving the agency \$18.8 billion more for short-term capital. Even with that funding, however, the sales of the large thrifts will be postponed. The RTC still plans to sell 65 smaller S&Ls this quarter. So far it has sold nine.

[From the New York Times, Oct. 30, 1990]

A SCRAMBLE FOR NEW BAILOUT FUNDS

(By Stephen Labaton)

WASHINGTON, October 29.—The Bush Administration began scrambling today for ways to finance the bailout of the savings and loan industry in the wake of Congress' decision in its waning hours over the weekend not to supply any more money to the limping rescue effort.

A senior Treasury official, Deputy Secretary John E. Robson, said in an interview today that the department was considering use of an ambiguous provision in last year's bailout legislation that could permit the Resolution Trust Corporation, the agency overseeing the bailout, to borrow an additional \$18.8 billion. But he said it would probably be days or longer before a decision was made as the Administration evaluated the political and practical consequences of borrowing without Congressional approval. He added that even if some funds were borrowed, the pace of the bailout would be forced to slow considerably.

"We will now have to fashion a low-calorie or no-calorie diet plan that will enable us to keep something going," he said.

WARNINGS WERE ISSUED

The Resolution Trust has virtually run out of cash. In the last two weeks, Administration officials and regulators, who sought \$40 billion for the next 12 months, had warned that the failure of Congress to appropriate new money would halt the rescue.

While those warnings now appear overdrawn, the most conservative estimates by regulators are that the delay will increase the bailout costs by at least \$2 million a day for the next three months and \$6 million daily after that as sales of institutions slow and they remain in Government hands.

Some experts predict that the cost of the financing delay could ultimately total more than \$2 billion a quarter if the costs of delaying the seizure and sale of hundreds of institutions still under private management were included.

"The delay can now easily drag to six months and there is nothing good about it," said Bert Ely, an industry consultant, who predicted that it would now cost taxpayers \$2 billion to \$2.5 billion a quarter in extra financing because of the fund delay. "Coming into a recession, this is probably the worst time to be slowing down."

MOVE IN HOUSE BLOCKED

The effort to get more financing had been making headway in Congress, but just before the recess on Sunday morning a last-ditch effort by the House banking chairman, Henry B. Gonzalez, to authorize \$10 billion in new financing until February was blocked by the second-making Democrat on the banking committee, Frank Annunzio of Illinois.

Mr. Annunzio, who has been critical of how the Administration has conducted the bailout, is facing a fierce race to retain his Chicago seat, in large part because of his close ties to the savings and loan industry. After his objection, the Senate went on to approve the interim financing measure by voice vote, but by then it was a dead issue in the House.

The tug-of-war between the Treasury Department and lawmakers is the most visible sign yet of how politically unpalatable the costly savings and loan bailout has become. While Democrats and Republicans have recognized that the financing is needed to keep the costs from increasing further, neither the Administration nor Congress wanted to be seen as taking the lead on authorizing new funds.

"Congress ran away from the problem," Mr. Robson said, continuing the political rancor between the Administration and lawmakers that developed after Treasury Secretary Nicholas F. Brady refused repeated invitations to appear this month before Congress to justify the \$40 million request. "It doesn't help a bit to have Congress put a banana peel on the side-walk right when we're rolling at a good pace."

Aides to Mr. Brady said he declined to testify because he saw it as little more than an attempt to haul him before the cameras and use him for political fodder just before the elections. His decision was harshly criticized by both Democrats and Republicans on Capitol Hill who maintained that he had a responsibility to testify and who used his refusal as a basis to oppose further appropriations.

Mr. Gonzalez continued today to blame the Administration, saying in a statement today, "The objections raised Saturday night to the consideration of additional funding are reflective of widespread concern about the cost of the savings and loan cleanup, the manner in which the program is being administered and the slow pace of resolutions and asset sales."

L. William Seidman, chairman of the Resolution Trust Corporation, said he expected the Administration would approve borrowing the \$18.8 billion in financing quickly. "Assuming that it is available, we will be able to push forward, but it will cost extra money no matter what happens," he said, noting that the uncertainty over the agency's budget had already forced regulators to slow the pace of the rescue effort significantly in recent weeks.

But Mr. Robson said the Administration and the Resolution Trust's Oversight Board would not act hastily in interpreting the law to permit an addition \$18.8 billion in borrowing.

"We have to decide whether it is appropriate to proceed in the face of some ambiguity and whether it is just the right thing to do," he said.

AN AMBIGUOUS PROVISION

Because of what even its authors now consider an error in last year's bailout legislation, an ambiguous provision may permit Resolution Trust to exceed the cap limiting its borrowing authority and borrow up to an additional \$18.8 billion, according to the General Accounting Office and some lawmakers,

including Mr. Gonzalez. Before this week, Resolution Trust had said it believed the ambiguity would not permit such borrowings. The Treasury Department has not formally issued its interpretation of the provision.

William H. Roelle, director of the Resolutions and Operations Division of Resolution Trust, said the budget crunch would not affect the agency's ability to dispose of 65 savings associations with assets of less than \$500 million each, but that it would make it difficult, if not impossible, to sell or close larger institutions whose plight is more costly to resolve.

"This program is like a supertanker," Mr. Roelle said. "Once you slow it down, it takes a lot to start up again."

Mr. KERREY. Mr. President, I rise because I intend later to offer an amendment. I want to make certain that I, in addition to notifying my colleagues of my intent to do so, explain why.

I thank the distinguished chairman of the committee and the ranking member for agreeing to hear my amendment, and those of other Senators, that would attempt to change the structure of the Resolution Trust Corporation. Mine is a fairly simple approach. I discussed it with the chairman before. He sees merit in it. He has been kind enough to assist me in making some improvements in it and I appreciate that ever so much.

However, I find myself in a rather difficult dilemma. I, indeed, found myself there last fall, when this appropriation was being discussed. The House did not take action so we were relieved of the responsibility of having to decide whether or not to vote on it here in the Senate. The fundamental problem, Mr. President, is that the Congress finds itself in an unusual position that is not really comparable to 1986. We understand there is a problem there.

Very few people will stand and disagree with that. Very few people will stand and disagree with the assertion that we have a problem that needs to be addressed with taxpayers' money, as well as an obligation to the taxpayers to fulfill loan obligations. I think very few people will stand and say we should not pay it out at all or, in the contrary, finding individuals who stand up and say there really is not a problem and it is being overstated, which was sort of the case, as I understand it, in 1986.

I think, if anything, today there is a tendency to overestimate the severity of the problem and grow pessimistic. I guess that is one of the reasons President Bush in his State of the Union Address talked about negativism at times drying up credit.

In this situation, I simply do not have permission from my voters to vote the money. It is not because they do not identify the problem. They are not saying, "We know there is a problem there and we just do not want you to spend the money." They are saying, "We do not trust how the money will

be spent; we do not trust after hearing the factual accounts of the 1988 deals how our money will be spent; we do not trust, based upon the stories at the local level about assets that were held up for a long period of time or sold at prices below markets eventually after bids came in which were higher."

There are all sorts of documented pieces of evidence offered to taxpayers that say it is not being run right. Plus, they find themselves in a very unusual position, Mr. President. That is, they do not know what is going on. They do not have the requisite accountability that would provide in every other area of spending.

Today, Secretary of Defense Cheney and the Director of Office of Management and Budget, Mr. Darman, were before the Appropriations Committee and were presenting their estimates and analysis of what Desert Storm would cost, another item that is off budget. They were much more detailed in their presentation, much more sure and confident of what they were spending, even though, Mr. President, I would argue there is much more uncertainty about the likely outcome of the appropriation itself.

But last fall, in comparison, Mr. President, we saw no such willingness on the part of Secretary Brady to come before the Banking Committee of the Senate or the House and say here is how we are going to use the money. Instead, Mr. President, he sent a letter and said, "We need additional money and actually we would like to have a blank check without a great deal of limitation and just trust we are going to do OK with it."

To cover himself in the event he did not get the money, he said, "Gee, if I do not get the money, it is going to cost us more in the long term because of this delay."

The problem is not that we do not recognize what the delay will cost. The problem is we have not heard how the money is going to be spent. We do not trust, because our people just with common sense and intuition say something is wrong. They are not asking us to walk away from the responsibility that we have. They are not suggesting we abandon people who have deposited money. They just intuitively have said to me, and I suspect to many of my colleagues, "We do not like what is going on and we do not want you to appropriate any more money until we get more information or a procedure in which accountability can be increased."

My amendment, offered with great respect for the chairman and the ranking member—I was presiding earlier when this bill was brought before the Senate and was thinking about the frightening burden of seniority around this place. I offered, with great respect, or will offer later with great respect, an amendment that is very simple. It

simply changes the board. Very little analysis needs to be done. It is directed entirely at the question: How do we increase accountability for tax money? That is all it does.

It does not take away authority of the President to appoint. It does not take away authority of the Banking Committees for jurisdiction over this. It simply puts somebody in charge who can devote full-time to tasking and answering questions relating to policy.

Currently, with all due respect to Secretary Brady, he is the chairman of the board that is supposed to be exerting policy oversight. I just find it impossible to imagine any human being, let alone the Treasury Secretary, with all the other things he has on his plate, to do the sorts of things that would make me comfortable and I believe make my taxpayers comfortable that we are being careful in providing accountability for the money that is being spent, rather than measuring, as again I have heard many of my citizens tell me, measuring almost every decision and trying to determine is this going to be politically popular, is this going to work politically; let us try to do it so it works for the next election cycle; let us try to avoid having to vote on this thing without embarrassing Members up for election.

All of these reasons are transparent, and I think the people understand it. They have lost trust in the Resolution Trust Corporation and the mechanism we provide for accountability.

The amendment I have will offer has been previously identified as 1 of the top 10 bills in 1989 by Consumer Federation of America and also being considered for endorsement by the American Taxpayer Union. It has received favorable comment by other impartial observers as a very simple way to increase accountability and to give the taxpayers a better sense that we are doing the right thing. Not that we are going to make this thing any more pleasant; it is still going to be difficult to extract that amount of money from the economy, from taxpayers, bring it into Government and pay it out to dispose of assets, many of which have very little value left on the books.

Finally, Mr. President, though again I suspect the distinguished Senator from Ohio has made a great deal of people uncomfortable with a probing investigation and analysis, I want to applaud him because I believe, indeed, of all the things recently that have occurred, I think he has increased the confidence in people that we are being diligent with how the money is being spent. It is a colossal amount of money, Mr. President.

Again, I am amazed when I consider the kind of oversight we require for defense expenditures. If ever a man is deserving of a blank check, it would almost be the Secretary of Defense right now. He was up all night, and came be-

fore the Appropriations Committee and managed to find the energy, the time, and the interest to testify before the committee. I compare that to last fall with Treasury Secretary Brady who was too busy trying to get a budget agreement to come forward.

I believe the dilemma we have is not one of Senators wanting to shirk their responsibility and not wanting to do the right thing, but one of Senators wanting to do the right thing. One of the most important things for us to do is measure every expenditure around and make certain we can defend it in a townhall meeting as if we were making it in front of every citizen we represent.

Right now we are making those expenditures outside the public view. We are making those expenditures downtown behind closed doors, with a reporting process that is satisfactory to some extent but simply has not measured up as far as the taxpayers in Nebraska, and I suspect the taxpayers in many other States as well.

Mr. President, I do, indeed, commend the chairman of the Banking Committee and the ranking member. I would not wish upon myself the responsibility for having try to bring this proposal to the floor and getting it passed. I commend, as well, the distinguished Senator from Ohio and hope that we are able, in fact, to provide resources to the RTC so they can get on with the business of solving this problem.

I hope that we find a way to improve the accountability, the accountability I believe taxpayers so desperately and so angrily are asking for.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, first I would like to rise to commend the Senator from Nebraska for putting his finger on some of the problems that face us as we engage upon a debate on this subject. I do expect to be heard at some length to explain some of my own concerns about where we are on the subject of savings and loans and what it has cost the American people and the failures of the RTC to do the job this Senator is convinced they should be doing.

In order that we might just clarify for the American public, I wonder if the distinguished manager of the bill would be good enough to yield for a couple simple questions.

Mr. RIEGLE. Of course.

Mr. METZENBAUM. First, would the Senator from Michigan be good enough to say how much the Federal Government has provided in subsidy to the RTC to this point?

Mr. RIEGLE. Total funds provided to the RTC has been about \$107 billion.

Mr. METZENBAUM. About \$107 billion. This bill would provide \$30 billion.

And does the \$107 billion include the borrowing that the RTC has done to date?

Mr. RIEGLE. It does include that borrowing. And so, just to anticipate where the Senator may be going, this \$30 billion which we are seeking here to cover losses would carry with it an ability for additional borrowings to take place for working capital that would, of course, be added to this figure should those borrowings be made.

Mr. METZENBAUM. Is the Senator from Ohio correct in his understanding that those additional borrowings, which would be possible if this bill were to be enacted, is an additional \$47 billion?

Mr. RIEGLE. Our best estimate is \$43 billion. But in substance, yes; a figure of \$40-billion-plus is created in the way of additional borrowing authority. But bear in mind that is created by taking in assets of a value of that amount.

So, in other words, in closed or insolvent thrifts, there would be assets in that amount which would become the collateral for the borrowing—that would provide, according to our estimates, about \$43 billion; yes.

Mr. METZENBAUM. But the full faith and credit of the United States would be behind that borrowing of an additional \$40 billion or \$43 billion or \$47 billion?

Mr. RIEGLE. Yes, indeed. If they were to misstate the valuation of assets, if it was estimated as \$43 billion and they sold the assets for \$35 billion, then the \$8 billion difference would be a cost to the Government; the Senator is exactly right.

Mr. METZENBAUM. If the bill would be passed, we would be going from an exposure and cost to the taxpayers of this country, at this point—we are still at increasing levels—\$107 billion plus \$30 billion, which is \$137 billion. And then we would be adding to that something like \$43 billion, which would be \$180 billion; is that correct?

Mr. RIEGLE. Yes, it is, although, again, I have to say that there will be assets taken in that stand as collateral for the \$43 billion. And is the estimates are right, in time those assets will be sold off to collect that amount of money. Then all of that borrowing will be replaced.

But, in the meantime, yes, the borrowing would take place so that money would be used, and it would not be paid back until a later time.

Mr. METZENBAUM. Will the Senator from Michigan then be good enough to explain to me why all of this \$180 billion, or whatever the amount happens to be, if it is a little less, is totally off the budget, and therefore not included in the budgetary deficit this country faces? Who came up with the idea to put it off the budget, and why was it agreed that we would put it off the budget?

Mr. RIEGLE. Actually, only part is off budget. We had a big fight over that very issue, and there was a difference of opinion as to whether it should be on or off budget.

About \$30 billion of the amount of money that we just talked about is off budget, and the rest of the money, in fact, is being carried on budget.

I would say, by the same token, that it is not subject to the Gramm-Rudman limitation, but it is on budget.

Mr. METZENBAUM. So we have a situation where \$30 billion, according to the Senator's representation, is off budget. And why that is I do not know. And then the other figure, approximating \$150 billion, including the borrowing authority, is on budget—although I cannot find it anywhere on budget—and is not subject to the limitations of the Gramm-Rudman bill, nor, as I understand, is it subject to the limitations of the budget agreement that was reached in the 101st Congress.

Mr. RIEGLE. The Senator's understanding is correct.

Mr. METZENBAUM. The Senator from Ohio is not very smart. He does not understand—

Mr. RIEGLE. The Senator from Ohio is pretty smart, I say.

Mr. METZENBAUM. He is having a little difficulty in understanding why the American people are not being told this is on budget; that it increases the budgetary deficit; that it is a factor that has to be considered.

Why did we take this one item, because it was one of the biggest items—we cannot for Medicare or Medicaid, or some free school program for children, or even defense spending, or anything else, although we are now talking about going off budget about the war expenses, and I can understand that. That does make some sense.

But I cannot understand why this one item, maybe the biggest item in the budget, at least one of the biggest items in the budget, is off budget, and how we in the Congress got ourselves into that position.

Mr. RIEGLE. The theory that was advanced—and I do not know that the Senator will find this a very acceptable answer—was that there were different economic effects; that what was happening here is the taxpayer deposits, which were out there and were misinvested and lost, are now being replaced. And so while the Government is acting to back up its deposit insurance guarantees to come in and restore that money, in effect, what you were having was a replacement of money that was previously there, lost, coming back in, and therefore the argument that was advanced was that that was a sufficient basis by which to treat it in an off budget manner.

Mr. METZENBAUM. I confess I do not understand it.

Mr. RIEGLE. I am not sure the Senator from Michigan can make it under-

standable, because there are a lot of people who find that logic less than persuasive. I would not want to have it be seen as my view. But that is the view that we were offered.

Mr. METZENBAUM. This proposal, or this understanding with respect to putting it off budget do I understand that that was the concept or the creature of Mr. Darman, from the Office of Management and Budget, at the White House? Is that where the idea originated?

Mr. GARN. Will the Senator yield?

Mr. METZENBAUM. I certainly do.

Mr. GARN. I am not qualified to get into all of the details of sequestration and budgeting, and all of that. We do have experts from the Budget Committee that could get into all of the technical explanations. I was there during part of the debate on budget treatment of the FIRREA legislation, so let me tell the Senator about the political reasons it was done the way it was.

It was a compromise. There was a division between those in the Congress and administration—there were some on both sides within the Congress—over whether it was on budget or off budget. And the compromise was made that the additional \$30 billion that was backed up by S&L zero coupon bonds, and so on, would be off budget—you can get into the technicalities of why that was done—and the rest of it would be on budget.

The issue of keeping it out of Gramm-Rudman-Hollings was one that was very practical at the time, simply because the amount of money that you were dealing with under Gramm-Rudman-Hollings would have required offsets. Everybody in the Congress started talking about offsets—which programs were they going to take it out of to fund this. So it was treated like entitlements. Entitlements are on budget, but they are not subject to Gramm-Rudman-Hollings, because they have to be funded. So you are not faced with a discretionary fund.

You can argue about the amounts, but the bill had to be paid. You did not have any choices—these funds had already been lost; depositors had to be paid—but nobody wanted to make those kinds of choices. "OK, if we have to come up with x billions of dollars, are you going to take it out of defense; are you going to take it out of NASA?" I would jump at that one. No, I do not want to pay for it. So there were some in this body and in the House who started looking at how to fund that.

So the vast majority of it is on budget, but it does not trigger sequestration. It is treated the same as entitlements. The funds are treated much as Social Security, except for that first \$30 billion.

Mr. METZENBAUM. I appreciate the comment of my friend and colleague from Utah. But if he would be good enough to yield for a question, am I

not correct that this was the concept or the idea that the Office of Management and Budget came up with to take this off budget, and that was not a congressional proposal? As a matter of fact, if it stayed on budget we could still have passed it even though it exceeded the Gramm-Rudman limits. There were legislative procedures to do that. But somehow, somebody, the White House, Mr. Darman specifically, concluded that this idea of taking it off budget would make the budget deficit look better. But indeed, the reality is that we are talking about another figure at this point already approaching \$180 billion in additional deficit financing that is not to be found in the budget without any budgetary constraints.

Mr. GARN. It is my understanding that that portion the Senator is talking about is not off budget. It is on budget. That was the compromise that was made. That first portion was off budget. All of the additional funds are on budget, but they do not trigger the consequences of Gramm-Rudman-Hollings. They are treated in a manner like entitlements.

So yes, they show up in the deficit. But it does not trigger the sequestration or the tradeoff funds that are necessary to be there.

Let me be very honest with you. The Senator from Ohio and I have had a longstanding, friendly relationship even when we are at odds on the floor. He knows me to be very direct, blunt, and candid about things.

To answer the question, yes, the total off-budget proposal came from OMB Director Darman. There is no doubt about it. I can remember giving a speech in the conference and on this floor saying that both sides were playing games. The response of the Congress was, we want it on budget, but not under Gramm-Rudman-Hollings. So I said what is the difference? It is six of one and half dozen of another. The administration wants to keep it off budget so it does not show and the Congress wants to put it on budget so they can say, we are being honest about it, but do not have it under Gramm-Rudman-Hollings because we do not want it taken out of any of our favorite programs.

So I felt both sides worked out a compromise, and you have part of both; the administration's position and the majority of Congress' position. In my opinion, both of them were phony.

Mr. RIEGLE. Will the Senator yield? I would like to add one other element to that little historical recap; that is, how we arrived at \$30 billion. The original request was to take all \$50 billion that was asked for and provided and have it all off budget. In order to do that at this time, this REFCORP financing mechanism was created to go out and borrow the money in an off-budget manner. But we had to pay a financing premium.

In order to, in effect, take that borrowing out of the line of vision with respect to the budget, we will pay a cost premium for financing it.

Many of us objected to that. We thought the whole thing should be on budget.

Quite frankly, at least in the opinion of this Senator, it was the taxpayers paying an extra amount of money being fooled by having that amount of money further out of the line of vision.

So we had a big hassle over that. That was the last issue, by the way, that was settled in the Senate-House conference committee. It was sort of a little poker game that was settled. I am sure the ranking minority member remembers it. We were over in this cavernous House Banking Committee room. Mr. Darman was there, and the Secretary of the Treasury was there. We had everything else nailed down but this issue. Finally, in a fairly hard-boiled exchange we ended up with the notion of—almost a take-it-or-leave-it proposition—that at least \$20 billion of the \$50 billion would have to be on budget, and therefore financed through the Treasury at a lower cost, and in what many of us thought was a more honest budget treatment.

Whether it was in or out of Gramm-Rudman is still another complex additional sophistication to the way we handled the budget process around here.

But there is that additional wrinkle; that is, we paid—we the taxpayers, the Government—a financing premium of roughly 30 basic points to finance \$30 billion through REFCORP. That was, I think, basically an expensive way to move it out there so that it was not really quite so awkward and in the line of public vision.

Others will argue that there were other reasons for that. I think if the Treasury Department were here today, they would have some other reason they would give you that would, on the surface at least, sound semiplausible as to why that was a preferable route to go. It cost extra money for that \$30 billion. We insisted that the remaining \$20 billion not go through that kind of a process, nor none of the rest going through that process. The \$30 billion we are asking for here is going to be financed directly so we will get it at the lowest financing rate available to the Government.

Mr. GARN. Will the Senator yield for another reply? I have the exact figures from OMB on their February estimates. These are their latest estimates for the fiscal 1991 budget deficit. They are estimating that this fiscal year's deficit will be \$318.5 billion. Included in that is the money we are talking about today, part of a total of \$111.5 billion for deposit insurance costs—more than one-third of the entire budget deficit.

So it is all included, except the first part we were talking about, as part of

the budget deficit. The \$30 billion we are talking about today is already assumed in this \$111.5 billion.

I think it is fair to say that what we have been talking about, that first portion of funding that the chairman outlined accurately and the compromise that I talked about, was off budget. But the \$30 billion we are talking about today, plus an additional \$81.5 billion of deposit insurance outlays, is included in the official budget deficit estimates.

Mr. METZENBAUM. I thought that the original amount, as the Senator from Michigan indicated, was at the present time the deficit costs; or the bailout costs are \$107 billion. I think the Senator is starting off with a base of about \$81 billion. I just am questioning whether that document indicates that the \$30 billion is included because with the \$30 billion I would understand it to be \$141 billion, or rather \$137 billion.

Mr. GARN. This is their latest February estimates. Total deposit insurance outlays, \$111.5 billion out of a total of \$318.5 billion.

Mr. METZENBAUM. Did he mention the \$30 billion; did he indicate the \$30 billion is included?

Mr. GARN. That includes the \$30 billion.

Mr. METZENBAUM. I must confess that I am not challenging my colleague's representation. I am challenging the representation of the OMB because I cannot believe that they would include a \$30 billion figure when the House has not passed it, and the Senate has not passed it. The House came out of committee this morning with a \$20 billion figure.

Mr. President, I suggest the absence of a quorum.

Mr. GARN. If the Senator will withhold.

Mr. METZENBAUM. I withdraw the request.

Mr. GARN. Let me just say that the February deficit estimate, this is not any final figure. This is an estimate, including an estimate of Senate action.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CAROL STUMBO

Mr. FORD. Mr. President, I rise today to recognize an outstanding Kentucky teacher, Carol Stumbo of Floyd County. Ms. Stumbo, who has graced Kentucky classrooms for 21 years, was recently selected as 1 of 5 Christa McAuliffe Educators for 1991.

The honor comes as no surprise to Kentuckians who are familiar with Carol Stumbo's leadership and dedication to education in Kentucky. Her tireless efforts to explore and improve school structures in a State where educational change is so desperately important is appropriately recognized by this great honor. Therefore, I would like to have printed in the RECORD an article which was published in the February 1991 newsletter of the Kentucky Education Association.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAROL STUMBO NAMED MCAULIFFE

Carol Stumbo, a KEA member from Floyd County, has been named one of five Christa McAuliffe Educators for 1991.

Stumbo, who teaches English, journalism, oral history, speech and drama at Wheelwright High School, was selected for the honor by the National Foundation for the Improvement of Education.

The Educator honors annually go to teachers who exemplify McAuliffe's traits of excellence and exploration in teaching.

Stumbo was honored for her leadership in the use of telecommunications and her efforts to reorganize school structures to meet the needs of a society that is coping with increasing diversity and change.

In making the announcement, NFIE Executive Director Donna Rhodes said that while technology permeates our society, "We must advance its use by teachers and students in sensible and comprehensive ways to transform outdated school structures into creative educational models that correlate to the goals that we seek to achieve in today's society."

"The teachers we honor as Christa McAuliffe Educators are on the cutting edge of this exciting mission," Rhodes said.

Along with four teachers from Indiana, New York, Maryland and Washington, Stumbo will receive a \$5,000 honorarium and will help plan a 12-day conference to be held this summer at Stanford University.

The conference will focus on "Preparing All Students for the 21st Century: Using Telecommunications to Restructure Schools." Participating will be 20 teachers to be named Christa McAuliffe Fellows by NFIE in April.

Via an international telecommunications network, Stumbo connects her students with those in such countries as Israel, Japan, Peru and Russia to discuss environmental and other global issues.

"Technology brings to students a world they otherwise wouldn't get to know," Stumbo said.

Through a Kentucky Education Department telecommunications network, students at Wheelwright also can take classes in subjects not ordinarily taught by the 16-member faculty.

Stumbo also has used technology with her students to develop stories and transcripts for Mantrip magazine, a publication produced annually that focuses on the people in

the community and to link her students with those in other countries.

"Technology has broadened their world," Stumbo said. "And it has made their own world even more important."

Mantrip is a publication which features the mountain heritage of the area. By using computer desktop publishing capability, Stumbo's students design and write the magazine. The 1,000 copies of the magazine are sold in Kentucky and other parts of the country. That publication is a result of the school's involvement with the Foxfire project, a national effort that encourages student writings on this country's heritage, and Stumbo's link with BREADNet, a telecommunications writing network for teachers.

Stumbo, a graduate of Berea College and Morehead State University, has been a classroom teacher at the high school and college levels for 21 years.

She is one of three teacher representatives on the Council on School Performance and serves as vice president of the Floyd County Education Association. She was previously honored by Ashland Oil Co. with a Teacher Achievement Award.

WKPC HONORED BY THOROUGH-BRED RACING ASSOCIATION

Mr. FORD. Mr. President, I am delighted to share with my colleagues the accomplishment of the Louisville Public Television Station, WKPC. In January, WKPC was honored by the Thoroughbred Racing Association with the Eclipse Award which is considered the highest honor given in the horse racing industry.

This award was presented to WKPC for "Black Gold," a feature on black jockeys who have won the Kentucky Derby which was part of "Dawn at the Downs," a series of five programs originating live from Churchill Downs during Derby Week. WKPC has produced "Dawn at the Downs" for five seasons and is sponsored by the Ford Motor Co. of Louisville, KY.

"Black Gold" was written and produced by Philip Von Borries. Mr. Von Borries became interested in the subject of black jockeys through his late father's search for the grave of Isaac Murphy, the first jockey to win three Kentucky Derbys. Isaac Murphy's record remained unbroken until 1948. Mr. Von Borries' father found the grave and the legendary jockey, Isaac Murphy is now buried at the Kentucky Horse Park. Since I had a little something to do with the creation of the Kentucky Horse Park when I served as Governor of Kentucky, I am pleased to see the park honor Isaac Murphy.

The Eclipse Award ceremonies were held this month in San Francisco.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

ENTERPRISE FOR THE AMERICAS INITIATIVE ACT—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the "Enterprise for the Americas Initiative Act of 1991." This proposal sets forth key measures to implement the investment, debt, and environmental components of my "Enterprise for the Americas" Initiative announced on June 27, 1990. It will build on the provisions in Title IV of the Agricultural Trade Development and Assistance Act of 1954 as amended by section 1512 of the Food, Agriculture, Conservation, and Trade Act of 1990 ("1990 Farm Bill") to grant the Administration the remaining authority needed to implement these aspects of the Initiative. Also transmitted is a section-by-section analysis of the proposed legislation.

This Initiative acknowledges the gains made for freedom in our hemisphere over the last year, as a resurgence of democratic rule has swept through the Americas. It also reaches out to support the realignment of economic policies that has paralleled this political shift.

As the people of Latin America and the Caribbean search for prosperity following a decade of painful economic adjustment, their governments are focusing on economic growth and the free market policies needed to nourish it. By reforming economies and rebuilding their strengths, each country will contribute to the prospects for the Americas as a whole in the coming years. My new Enterprise for the Americas Initiative aims to build a broad-based partnership for the 1990s to promote this process.

The Initiative rests on three pillars—actions on trade, investment, and debt—through which we can reach out to our neighbors and support economic reform and sustained growth. *First*, we want to expand trade by entering into framework agreements on trade agreements that will establish a hemisphere-wide free trade system. *Second*, we want to encourage foreign and domestic investment and help countries com-

pete for capital by reforming both broad economic policies and specific regulatory systems. *Third*, we want to build on our successful efforts to ease debt burdens and to increase the incentives for countries to reform their economies by offering additional measures in the debt area. Building a strong future for the hemisphere also depends on preserving and protecting the environment. Accordingly, we also propose to create resources to support environmental programs as an important element of debt reduction.

The proposal I am transmitting to the Congress focuses on the investment, debt, and environment components of the Enterprise for the Americas Initiative. It reflects the mechanisms established in the 1990 Farm Bill authorizing the reduction of PL-480 debt of eligible countries and the payment of interest in local currency to support environmental projects.

The proposal provides for contributions by the United States to a multilateral investment fund to be established by the Inter-American Development Bank (IDB) that would foster a climate favorable to investment in Latin American and Caribbean countries. This Enterprise for the Americas Investment Fund will provide additional support for reforms undertaken as part of the new IDB investment sector lending program. The Fund will advance specific, market-oriented investment policy initiatives and reforms and finance technical assistance.

The proposal establishes the Enterprise for the Americas Facility to support the objectives of the Initiative through administration of debt reduction operations for those nations that meet the investment reform and other policy conditions. Latin American and Caribbean countries can qualify for benefits under the Facility if they:

- Have in effect, have received approval for, or in exceptional circumstances are making significant progress toward International Monetary Fund/World Bank reform programs and World Bank adjustment loans;
- Have in place major investment reforms in conjunction with an IDB loan or are otherwise implementing or making significant progress toward open investment regimes; and
- Have negotiated a satisfactory financing program with commercial banks, including debt and debt service reduction, if appropriate.

The proposal authorizes the reduction of concessional obligations extended under the Foreign Assistance Act of 1961. The Agency for International Development will exchange—at the direction of the Facility—new obligations for obligations outstanding as of January 1, 1991. Principal on the new obligation will be paid in U.S. dollars. Interest will be at a concessional rate and paid in local currency if an el-

igible country has entered into an Environmental Framework Agreement establishing an Enterprise for the Americas Environmental Fund; otherwise, interest will be paid in U.S. dollars.

The Environmental Fund into which local currency interest payments are deposited will be owned by the debtor country. The Environmental Framework Agreement negotiated with each country will provide guidelines for the administration of its Environmental Fund. This Agreement will be negotiated by the President in consultation with the Environment for the Americas Board, a Washington-based entity with both United States Government and nongovernmental representatives.

This Board will also ensure that appropriate local administering bodies are established and will review the programs, operations, and fiscal audits of each administering body. Local administering bodies will include representatives from the United States Government, the debtor government, and a broad range of environmental nongovernmental organizations based in the participating country. A majority of the members of each administering body shall be individuals from such nongovernmental organizations.

These administering bodies will be responsible for identifying projects and managing the use of the Environmental Funds in each country. They will prepare annual programs laying out their priorities and plans, which will be submitted to the Environment for the Americas Board for review. Grants in excess of \$100,000 will be subject to the veto of the United States Government or the debtor government involved.

The proposal also authorizes the sale, reduction, or cancellation of loans made to eligible countries under the Export-Import Bank Act of 1945, as amended, and assets acquired under export credit guarantee programs authorized pursuant to the Commodity Credit Corporation Charter Act or section 4(b) of the Food for Peace Act of 1966. These sales, reductions, or cancellations will be undertaken only when purchasers confirm that they will be used to carry out debt-for-equity, debt-for-development, or debt-for-nature swaps in eligible countries.

We believe that these investment, debt, and environmental measures will provide significant support to the efforts of Latin America and the Caribbean to build strong economies.

The leaders of these countries have welcomed the Initiative and widely recognize it as the most significant opportunity—and challenge—in inter-American relations in recent years. These are the leaders who are facing difficult choices in reforming their economies and, in the process, turning the tide away from economic decline and environmental degradation.

Their efforts are not merely of rhetorical importance to us in the United States. We have not gone untouched by the economic crisis faced by Latin America and the Caribbean over the last decade. As countries in the region cut imports, postponed investment, and struggled to service their foreign debt, we too were affected. We lost trade, markets, and opportunities.

Enactment of the Enterprise for the Americas Initiative Act of 1991 will permit the United States to support the efforts of Latin American and Caribbean leaders, increasing the prospects for economic growth and prosperity throughout the hemisphere.

GEORGE BUSH.

THE WHITE HOUSE, February 26, 1991.

MESSAGES FROM THE HOUSE

At 2:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 153. An act to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes; and

H.R. 586. An act to require regular reports to the Congress on the costs to the United States of Operation Desert Shield and Operation Desert Storm, on the contributions made by foreign countries to offset such costs, and on other contributions made by foreign countries in response to the Persian Gulf crisis.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-611. A communication from the Chairman of the Commission on Agricultural Workers, transmitting, pursuant to law, the 1990 year-end integrity report for the Commission on Agricultural Workers; to the Committee on Governmental Affairs.

EC-612. A communication from the Postmaster General of the United States, transmitting, pursuant to law, a report on various matters related to the Deceptive Mailing Prevention Act; to the Committee on Governmental Affairs.

EC-613. A communication from the Chairperson of the Navy Resale and Services Support Office, transmitting, pursuant to law, the annual report on the Navy Resale and Services Support Office Retirement Trust for plan year 1989; to the Committee on Governmental Affairs.

EC-614. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, a report of the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-615. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on surplus

real property transferred or leased for public health purposes in fiscal year 1990; to the Committee on Governmental Affairs.

EC-616. A communication from the Executive Director of the United States Holocaust Memorial Council, transmitting a draft of proposed legislation to authorize appropriations to carry out the programs of the United States Holocaust Memorial Council; to the Committee on the Judiciary.

EC-617. A communication from the Director for Congressional Relations, Office of National Drug Policy, Executive Office of the President, transmitting, pursuant to law, a companion budget summary to the recently transmitted National Drug Control Strategy; to the Committee on the Judiciary.

EC-618. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-619. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission's Office of Program Operations for fiscal year 1990; to the Committee on the Judiciary.

EC-620. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, pursuant to law, the annual report on the Department of Justice Asset Forfeiture Program for fiscal year 1990; to the Committee on the Judiciary.

EC-621. A communication from the Acting Director of the Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the third edition of the National Drug Control Strategy; to the Committee on the Judiciary.

EC-622. A communication from the Acting Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Cooperative Demonstration Program (Building Trades) for fiscal year 1991; to the Committee on Labor and Human Resources.

EC-623. A communication from the Acting Secretary of Education, transmitting, pursuant to law, the Robert C. Byrd Honors Scholarship Program—Notice of Final Procedures; to the Committee on Labor and Human Resources.

EC-624. A communication from the Acting Secretary of Education, transmitting, pursuant to law, notice of final funding priorities—School Dropout Demonstration Assistance Program; to the Committee on Labor and Human Resources.

EC-625. A communication from the Acting Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Training Personnel for Education of Individuals with Disabilities Program; to the Committee on Labor and Human Resources.

EC-626. A communication from the Acting Secretary of Education, transmitting, pursuant to law, notice of final funding priorities—Transitional Bilingual Education and Special Alternative Instructional Programs; to the Committee on Labor and Human Resources.

EC-627. A communication from the Director of the Federal Domestic Volunteer Agency (ACTION), transmitting, pursuant to law, a copy of a final resolution promulgated by ACTION; to the Committee on Labor and Human Resources.

EC-628. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the 1990 annual report of NASA

on the performance of the Industrial Applications Centers and their ability to interact with the Nation's small business community; to the Committee on Small Business.

EC-629. A communication from the Secretary of Defense (Acquisition), transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for the period October through November 1990; to the Committee on Small Business.

EC-630. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, selected acquisition reports for HARPOON and UHF Follow-ons as of the quarter ended December 31, 1990; to the Committee on Armed Services.

EC-631. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal years 1992/1993, and for other purposes; to the Committee on Armed Services.

EC-632. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on the Rural Housing Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-633. A communication from the Administrator of General Services, transmitting, pursuant to law, the fourteenth quarterly report on Federal actions taken to assist the homeless; to the Committee on Banking, Housing, and Urban Affairs.

EC-634. A communication from the Assistant Vice President of the National Railroad Passenger Corporation (Government and Public Affairs), transmitting, pursuant to law, the 1990 annual report of AMTRAK, the 1991 Legislative Report, the Report on Employee Salaries in Excess of Federal Executive Level I, and the Report on the Performance of Passenger Routes Operated During Fiscal Year 1990; to the Committee on Commerce, Science, and Transportation.

EC-635. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the referral of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-636. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-637. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-638. A communication from the Under Secretary of Energy, transmitting, pursuant to law, notice of a delay in the submission of the annual report of the Office of Civilian Radioactive Waste Management; to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC-639. A communication from the Administrator of General Services, transmitting, pursuant to law, prospectuses for the fiscal year 1992 General Services Administration's Public Building Service Capital Improvement Program; to the Committee on Environment and Public Works.

EC-640. A communication from the President of the United States, transmitting, pur-

suant to law, the annual report on Soviet Noncompliance with Arms Control Agreements; to the Committee on Foreign Relations.

EC-641. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 14, 1991; to the Committee on Foreign Relations.

EC-642. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report containing the status of each loan and each contract or guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability and the status of each extension of credit for the procurement of defense articles or defense services; to the Committee on Foreign Relations.

EC-643. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the provision of certain defense articles to the Republic of the Philippines; to the Committee on Foreign Relations.

EC-644. A communication from the Director of the Office of Government Ethics, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978 to remove the ceiling on the level of appropriations for the Office of Government Ethics; to the Committee on Governmental Affairs.

EC-645. A communication from the Chairman of the United States Arctic Research Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1990 entitled "Arctic Research in a Changing World"; to the Committee on Governmental Affairs.

EC-646. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-647. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, the annual report of the Department on competition advocacy for fiscal year 1990; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated.

POM-9. A resolution adopted by the House of Representatives of the State of South Carolina; to the Committee on Armed Services.

"HOUSE RESOLUTION 3373

"Whereas President George Bush ordered decisive and overwhelming military action on Wednesday, January 16, 1991, to be taken against Saddam Hussein, his Iraqi forces, military installations, and military industrial sites by directing the men and women of the United States Armed Forces to attack; and

"Whereas it appears that in the short time that has passed since the liberation attack known as "Operation Desert Storm" began, the Allied Forces have attained a great degree of surprise, air superiority, and success; and

"Whereas it is with great concern and pride that the people of South Carolina fol-

low the historic events in the Middle East as they unfold before our eyes and ears; and

"Whereas the American soldiers have made and continue to make a great sacrifice to ensure the freedom of the world from the maniacal oppression of one man who desires to hold the whole world hostage; and

"Whereas we must never forget the men and women who are in the front lines actively engaging the enemy, the crews that load the airplanes' armament, the crews that keep the planes flying and the armed forces rolling, the pilots who venture into enemy territory, the ground forces, and all others in Saudi Arabia and the waters surrounding the Middle East; and

"Whereas the State of South Carolina, the United States, and the rest of the world will forever be indebted to the brave soldiers of the Allied Forces; and

"Whereas it is time to stand solidly behind the troops representing South Carolina and support the parents and relatives with loved ones in the Middle East; and

"Whereas never before has there been such great international solidarity in condemning and moving against an aggressor nation: Now, therefore, be it

"Resolved by the House of Representatives, That the House of Representatives and the people of South Carolina do hereby commend President Bush, his advisors, and the men and women of the United States Armed Forces for their successful and overwhelming attack on Iraq to free Kuwait from Iraq's unjust grip: Be it further

"Resolved, That the full support of the State of South Carolina is conveyed to the Allied Forces for their initial efforts and the efforts that continue: Be it further

"Resolved, That the House of Representatives and the people of South Carolina desire and pray for a swift conclusion to the conflict in the Middle East so that a minimum of personal tragedies may occur and our uniformed heroes may come home soon: Be it further

"Resolved, That a copy of this resolution be sent to President George Bush, Joint Chiefs of Staff Chairman Colin Powell, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the South Carolina Congressional Delegation, and Eston Marchant, Adjutant General of South Carolina."

POM-10. A concurrent resolution adopted by the Legislature of the State of Delaware; to the Committee on Armed Services:

"HOUSE CONCURRENT RESOLUTION NO. 11

"Whereas, Admiral Husband E. Kimmel was Commander-in-Chief of the U.S. Pacific Fleet at the time of the surprise Japanese attack on Pearl Harbor, December 7, 1941; and

"Whereas, at the time of the attack Admiral Kimmel was serving in a temporary appointment as Admiral but following the attack was retired as Rear Admiral, his permanent grade; and

"Whereas, a Naval Court of Inquiry found that no offenses had been committed nor serious blame incurred on the part of any person or persons in the naval service and specifically approved the judgments and actions under the circumstances of Admiral Kimmel prior to and during the attack; and

"Whereas, the Officer Personnel Act of 1947 permitted previously retired officers who had served in the rank of Admiral, with the approval of the President and advice and consent of the Senate, to be advanced to the

rank of Admiral on the retired list of naval officers; and

"Whereas, when the aforementioned provision of the Officer Personnel Act of 1947 was implemented, Rear Admiral Kimmel's name was not submitted by the Navy Department to the President for advancement to the rank of Admiral on the retired list; and

"Whereas, under the aforementioned Act advancement is at the discretion of the President; and

"Whereas, no President has ever had the matter of advancement of Rear Admiral Kimmel to the rank of Admiral on the retired list submitted to him for the exercise of his discretion; and

"Whereas, on October 25, 1990 the Officers and Trustees of the United States Naval Academy Alumni Association unanimously adopted a resolution urging the Secretaries of the Navy and Defense to submit the name of Rear Admiral Husband E. Kimmel USN (Retired) (Deceased) to the President with the recommendation that the President nominate Rear Admiral Husband E. Kimmel for posthumous advancement to the rank of Admiral on the list of retired naval officers and further that copies of its resolution be sent to the Secretaries of Defense and Navy, the President, the Chairman and each member of the Armed Forces Committee of the U.S. Senate; and

"Whereas, on December 6, 1990 the Pearl Harbor Survivors Association unanimously adopted a resolution urging the same action as the aforescribed United States Naval Academy Alumni resolution and directing that copies be sent to the same persons:

Now, therefore, be it

"Resolved by the House of Representatives of the 136th General Assembly of the State of Delaware, the Senate concurring therein, hereby memorializes the President of the United States, the Secretary of Defense, the Secretary of the Navy to take the necessary actions to posthumously advance Rear Admiral Husband E. Kimmel USN (Retired) (Deceased) to the rank of Admiral on the list of retired naval officers: Be it further

"Resolved, That upon passage of this Resolution suitably prepared copies be forwarded to the President of the United States, the Secretary of Defense, the Secretary of the Navy, Senator William V. Roth, Senator Joseph R. Biden, Representative Thomas R. Carper, the Secretary of the U.S. Senate and Clerk of the U.S. House of Representatives."

POM-11. A resolution adopted by the City Council of Warner Robins, Georgia urging the appropriation of oil from Iraq as reimbursement for certain expenses incurred as a result of the liberation of Kuwait; to the Committee on Foreign Relations.

POM-12. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION 91-6

"Whereas, the government of Iraq, without provocation, invaded and occupied the territory of Kuwait on August 2, 1990, has brutalized the population of Kuwait, has taken large numbers of innocent hostages, and has disregarded the rights of diplomats, all in clear violation of international law and the norms of international conduct; and

"Whereas, Iraq's actions have caused great suffering among the hundreds of thousands of innocent people who have been displaced by this crisis; and

"Whereas, the President condemned Iraq's unprovoked and naked aggression and undertook a series of actions, including imposing comprehensive economic sanctions on Iraq

and freezing Iraqi and Kuwaiti assets in the United States; and

"Whereas, the President and Congress have acted with decisiveness in rejecting the path of appeasement so tragically discredited in the years leading to and during the second world war, and have deployed United States armed forces as part of the multinational military presence in the Persian Gulf in order to deal with this aggression, partly in recognition of the historical probabilities indicating that if Iraq is not stopped now, it will have to be stopped later at even greater risk; and

"Whereas, the United Nations Security Council, in a series of resolutions culminating in resolution 678 on November 28, 1990, has strongly condemned Iraq's blatantly unlawful actions, imposed economic sanctions and authorized the enforcement thereof, has demanded that Iraq withdraw from Kuwait and comply fully with all of the said resolutions, and, as a pause of goodwill, has allowed Iraq one final opportunity to do so on or before January 15, 1991, and, if Iraq has not done so by such date, authorizes the use of all necessary means to force Iraq into compliance and to restore international peace and security in the area; and

"Whereas, in the face of continuous and persistent attempts to resolve the crisis diplomatically prior to the January 15, 1991, deadline, Iraq has thus far refused to enter into meaningful negotiation, continuing to ignore overwhelming world sentiment, including that of other neighboring Arabic countries, and in so doing, continues to attempt to invest itself with respectability by invoking issues which have nothing to do with its terroristic aggression which has left a trail of atrocity and destruction in Kuwait, and threatens to destabilize the entire region; and

"Whereas, the Colorado National Guard has, as of January 8, 1991, deployed the units described below, each consisting of the number of individuals indicated, in direct support of operation Desert Shield in the Persian Gulf or in other locations:

Unit	Number	Status
"1158th Transportation Detachment, Camp George West, Golden, CO.	6	In Persian Gulf.
1157th Transportation Detachment, Camp George West, Golden, CO.	5	Do.
947th Medical Company (Clearing), Lamar, Co, Las Animas, CO.	130	Do.
928th Medical Company (Ambulance), Cortez, Co, Durango, CO.	107	Do.
220th Military Police Company, Camp George West, Golden, Co, Pueblo Depot Activity, Pueblo, CO.	158	Federalized at home station.
217th Medical Battalion, Pueblo Depot Activity, Pueblo, CO.	48	In Persian Gulf.
140th Security Police Flight, Buckley Air National Guard Base, Aurora, CO.	44	Do.
140th Services Flight, Buckley Air National Guard Base, Aurora, CO.	14	Unit volunteers on duty in Germany.
140th Consolidated Aircraft Maintenance Squadron, Buckley Air National Guard Base, Aurora, CO.	3	Unit volunteers on duty in Persian Gulf.
104th Public Affairs Detachment, Camp George West, Golden, CO.	13	Fort Irwin, CA.
Total	528	

"Now, therefore, be it

Resolved by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein, That the Colorado general assembly fully supports the President and the United States Congress in their efforts to fulfill the intent

and mandate of United Nations Security Council resolutions against Iraqi aggression: Be it further

Resolved, That the general assembly conveys the highest regard and support to armed forces located in the Persian Gulf or operating in support of Operation Desert Shield at other locations, of which the Colorado military units herein described are a valuable part: be it further

Resolved, That copies of this resolution be transmitted to the Honorable George Bush, President of the United States; to Dan Quayle, the President of the United States Senate; to Thomas S. Foley, the Speaker of the United States House of Representatives; and to Major General John L. France, the Adjutant General of the Colorado National Guard, and our own Representative Mike Coffman."

POM-13. A resolution adopted by the Senate of the State of West Virginia; to the Committee on Governmental Affairs:

"SENATE RESOLUTION NO. 8

"Whereas West Virginia answered the call of this great country during times of crisis; and

"Whereas West Virginia has given this country the supreme sacrifice by sending her sons and daughters forth to defend this great nation; and

"Whereas the families of those West Virginians who never returned from serving their country during World War II, the Korean Conflict and the Vietnam Conflict need information concerning their loved ones who were lost or killed in the service of their country; and

"Whereas the United States Government has a duty and obligation to inform the soldier's families of the fate of their loved ones: Therefore, be it

Resolved by the Senate, That the United States Government release this information so that those who have lost a family member can finally rest in knowing the fate of their loved one; and, be it further

Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the United States Congress, the West Virginia congressional delegation and the families of those West Virginian soldiers who remain prisoners of war or missing in action."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DECONCINI, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 386. A bill to amend title 38, United States Code, to define the period of the Persian Gulf War, to extend eligibility for pension, medical, educational, housing, financial, and other benefits provided under the title to veterans of the War, and for other purposes (Rept. No. 102-16).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM:

S. 480. A bill to amend the Public Health Service Act to provide grants to States for

the creation or enhancement of systems for the air transport of rural victims of medical emergencies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mr. BRADLEY, Mr. MOYNIHAN, Mr. BRYAN, Mr. JEFFORDS, Mr. GRAHAM, Mr. REID, Mr. MCCAIN, Mr. DECONCINI, Mr. SHELBY, and Mr. MITCHELL):

S. 481. A bill to authorize research into the desalting of water and water reuse; to the Committee on Environment and Public Works.

By Mr. SASSER (for himself and Mr. GORE):

S. 482. A bill entitled the "Desert Storm Leave Transfer Act"; to the Committee on Governmental Affairs.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 483. A bill entitled the "Taconnic Mountains Protection Act of 1991"; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY:

S. 484. A bill to establish conditions for the sale and delivery of water from the Central Valley Project, California, a Bureau of Reclamation facility, and for other purposes; to the Committee on Energy and Natural Resources.

S. 485. A bill to authorize the Secretary of the Interior to undertake a program of studies; to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself, Mr. MCCAIN, Mr. JEFFORDS, Mr. DURENBERGER, Mr. SYMMS, Mr. SPECTER, Mr. INOUE, and Mr. DASCHLE):

S. 486. A bill to require Federal departments, agencies, and instrumentalities to separate certain solid waste for recycling purposes; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. MOYNIHAN, and Mr. ADAMS):

S. 487. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. GLENN, Ms. MIKULSKI, Mr. AKAKA, Mr. HATFIELD, and Mr. REID):

S. 488. A bill to amend the Public Health Service Act to establish and coordinate research programs for osteoporosis and related bone disorders, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 489. A bill to provide grants to States to encourage States to improve their systems for compensating individuals injured in the course of the provision of health care services, to establish uniform criteria for awarding damages in health care malpractice actions, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOREN:

S. 490. A bill to amend title 38, United States Code, and title 10, United States Code, to improve educational benefits and services for members of the Armed Forces of the United States who serve on active duty during the Persian Gulf War, and for other purposes; to the Committee on Veterans Affairs.

By Mr. GRAHAM:

S. 491. A bill to amend the Internal Revenue Code of 1986 to require any general elec-

tion candidate who receives amounts from the Presidential Election Campaign Fund to participate in debates with other such candidates; to the Committee on Rules and Administration.

Mr. SIMON (for himself Mr. AKAKA, Mr. ADAMS, Mr. LEVIN, Mr. BIDEN, Mr. EXON, Mr. BURDICK, Mr. CONRAD, Mr. HATFIELD, Mr. ROCKEFELLER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. PELL, Mr. CRANSTON, Mr. HARKIN, Mr. METZENBAUM, Mr. SARBANES, Mr. INOUE, Mr. DODD, Mr. D'AMATO, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. BYRD):

S. 492. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such Act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BRADLEY, Mr. AKAKA, Mr. KOHL, Mr. ADAMS, Mr. SIMON, and Mr. KERRY):

S. 493. A bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S. 494. A bill to temporarily suspend the duty on 4, 5-dichloro-2-n-octyl-4-isothiazolin-3-one; to the Committee on Finance.

S. 495. A bill to extend the temporary duty suspension for certain articles; to the Committee on Finance.

S. 496. A bill to temporarily suspend the duty on dicyclopentenyl-oxyethyl methacrylate; to the Committee on Finance.

S. 497. A bill to temporarily suspend the duty on 2-methyl-4-isothiazolin-3-one; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ROBB):

S. 498. A bill to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, Virginia, as the "Hugh Davis Memorial Wing"; to the Committee on Veterans Affairs.

By Mr. LUGAR (for himself and Mr. COCHRAN):

S. 499. A bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE (for himself and Mr. CRANSTON):

S. 500. A bill to require the Secretary of Veterans Affairs to contract with private facilities to ensure that provision of medical care to members of the Armed Forces on active duty does not adversely affect the provision of hospital care, nursing home care, and medical services to veterans eligible for such care and services, and for other purposes; to the Committee on Veterans Affairs.

By Mr. KOHL:

S. 501. A bill to establish a data collection, information dissemination, and student counseling and assistance network, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SASSER (for himself and Mr. GORE):

S. 502. A bill to direct the Army Corps of Engineers to carry out a project for streambank protection along 2.2 miles of the Tennessee River adjacent to Sequoyah Hills Park in Knoxville, TN; to the Committee on Environment and Public Works.

By Mr. MCCAIN (for himself and Mr. DECONCINI):

S. 503. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and the Republic of Mexico; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. SIMON, Mr. BURDICK, and Mr. LIEBERMAN):

S. 504. A bill to amend the Standing Rules of the Senate to require that reports accompanying each bill involving public health that is reported by a Senate Committee contain a prevention impact evaluation, to establish a Task Force on Disease Prevention and Health Promotion, and for other purposes; to the Committee on Rules and Administration.

S. 505. A bill to change the name of the Centers for Disease Control to the Centers for Disease Prevention and Control, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. BURDICK, Mr. LIEBERMAN, and Mr. SIMON):

S. 506. A bill to amend title XVIII of the Social Security Act to require hospitals receiving Medicare payments for graduate medical education programs to incorporate training in disease prevention and health promotion, and for prohibit reductions in payment rates for direct and indirect medical education costs; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. BURDICK, Mr. LIEBERMAN, Mr. BRADLEY, Mr. REID, and Mr. SIMON):

S. 507. A bill to amend the Public Health Service Act to expand the scope of educational efforts concerning lead poisoning prevention, and for other purposes; to the Committee on Labor and Human Resources.

Mr. HARKIN (for himself, Mr. BURDICK, Mr. ADAMS, Mr. LIEBERMAN, and Mr. SIMON):

S. 508. A bill to amend title XVIII of the Social Security Act to provide for coverage of screening mammography where payment is not otherwise available for such screening for women over 49 years of age regardless of eligibility for benefits under such title, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. DOLE, Mr. SIMON, Mr. ADAMS, Mr. BURDICK, and Mr. LIEBERMAN):

S. 509. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. ADAMS, Mr. SIMON, Mr. BURDICK, and Mr. LIEBERMAN):

S. 510. A bill to amend the Older Americans Act of 1965 to expand the preventive health services program to include disease prevention and health promotion services, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. MACK, Mr. GRAMM, Mr. LIEBERMAN, Mr. SYMMS, Mr. LEVIN, Mr. BENTSEN, and Mr. BRADLEY):

S. Res. 63. Resolution condemning Cuba's human rights violations, and commending the United Nations Human Rights Commission for its attention to the human rights situation in Cuba; to the Committee on Foreign Relations.

By Mr. FORD (for himself, Mr. McCONNELL, Mr. MITCHELL, and Mr. DOLE):

S. Res. 64. Resolution relative to the death of the Honorable John Sherman Cooper, formerly a Senator from the State of Kentucky; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. GRAMM, Mr. LIEBERMAN, Mr. SYMMS, Mr. LEVIN, Mr. BENTSEN, Mr. BRADLEY, Mr. MITCHELL, Mr. PACKWOOD, and Mr. CRAIG):

S. Res. 65. Resolution condemning Cuba's human rights violations, and commending the United Nations Human Rights Commission for its attention to the human rights situation in Cuba; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM:

S. 480. A bill to amend the Public Health Service Act to provide grants to States for the creation or enhancement of systems for the air transport of rural victims of medical emergencies, and for other purposes; to the Committee on Labor and Human Resources.

RURAL MEDICAL EMERGENCIES AIR TRANSPORT ACT

Mrs. KASSEBAUM. Mr. President, I rise today to introduce legislation aimed at improving access to airborne emergency medical transportation for residents of remote rural areas.

In most urban areas of this country, persons suffering from severe medical emergency or trauma can count on being taken to an advanced center of care within a matter of minutes. For rural residents, however, such access is often limited, and sometimes nonexistent.

The hard reality is that rural hospitals often lack the money or the manpower to deliver complex medical services. In some areas, the nearest facility offering advanced tertiary medical care may be hundreds of miles away. Furthermore, rising costs and great distances have left many rural ambulance services underfunded and overextended.

Rural distances being what they are, sometimes the only effective way to bring victims of acute medical emergencies to the care they need is by air—either by helicopter or by fixed-wing aircraft. For a wheat grower gravely injured in a farm accident or a small town storekeeper stricken by a severe heart attack, the availability of

such air service can literally mean the difference between life or death.

Mr. President, the Office of Technology Assessment recently completed a comprehensive, three-part study of America's rural health care needs. In that study, the OTA reported that fully 20 percent of the U.S. population is without needed air coverage for severe medical emergencies, with the greatest gaps occurring in rural areas. Ironically, there are more than 200 air medical transport systems nationwide, but their services often fail to extend into the remote rural areas that need them most.

In my own State of Kansas, many of the sparsely populated western counties are currently served by a single air ambulance system, which is operated by a major hospital in the city of Wichita. This system, the HCA Wesley LifeWATCH Program, has been doing an outstanding job, but it has been facing significant financial pressure. Regrettably, the rising cost of both medical care and transportation has made it increasingly difficult to maintain rural air medical services on a cost-effective basis.

Until 1981, the Federal Emergency Medical Services Act provided needed assistance to States and communities for the development of emergency medical services. In that year, however, this program was discontinued and folded into the Preventive Health and Human Services Block Grant Program.

This change resulted in significant funding drops for emergency services. According to the General Accounting Office, public funding declined by as much as 34 percent in some States. There has since been a partial reversal of this trend, but most of the gains have been in urban areas. Unfortunately, the relatively high cost of providing emergency care over long distances, combined with the declining strength of rural economies, has made it hard for rural communities to keep up when public support is absent.

Mr. President, the bill I am introducing today is designed to help ease some of these problems. Developed jointly with my colleague from Kansas, Congressman PAT ROBERTS, this legislation would establish a system of competitive Federal grants to the States for the creation or enhancement of rural air medical transportation systems. Congressman ROBERTS, who is the new cochairman of the House rural health coalition, will soon introduce this measure in the House.

Recognizing the great variety of current air medical systems in different parts of the country, our bill would allow States considerable latitude in designing programs for use of the Federal grant assistance. States would, for example, be permitted to enter into contracts with local communities or private organizations for the provision of services.

At the same time, however, States applying for grant assistance would be required to submit to the Secretary a detailed plan outlining the proposed air medical system enhancement, as well as evidence of its potential effectiveness for improving morbidity and mortality rates in the rural areas it targets. To receive funding, a State would also have to demonstrate that its plan for expanding air medical services would be a cost-effective improvement to existing emergency medical services.

Importantly, this bill also directs the Secretary to give strong preference to state applications which can demonstrate that the proposed expansion of air services has been integrated into a comprehensive regional or statewide system of emergency medical service delivery.

We see this legislation as a constructive supplement to the Trauma Systems Planning and Development Act, which was passed and signed into law late last year. As many of you will recall, that legislation authorized Federal assistance to the States for the planning of integrated networks of emergency medical care in both urban and rural areas.

Mr. President, we recognize that this bill along cannot meet all of the emergency medical service needs of our rural communities. It can, however, help plug a deadly hole in our rural emergency medical system, and I urge my colleagues to support it.

By Mr. SIMON (for himself, Mr. BRADLEY, Mr. MOYNIHAN, Mr. BRYAN, Mr. JEFFORDS, Mr. GRAHAM, Mr. REID, Mr. MCCAIN, Mr. DECONCINI, Mr. CRANSTON, Mr. DOMENICI, Mr. SHELBY, and Mr. MITCHELL):

S. 481. A bill to authorize research into the desalting of water and water reuse; to the Committee on Environment and Public Works.

WATER RESEARCH ACT

Mr. SIMON. Mr. President, I rise today to introduce the Water Research Act of 1991. The purpose of this bill is to reinstitute Federal activity in the field of desalting of water.

Understanding the concept of desalination is simple enough; desalination is the process by which salt or brackish water is processed to remove salt or biological impurities rendering it usable for drinking, irrigation, or a variety of other uses.

Despite increasing national awareness of desalination because of the oil spill in the gulf and the drought in California, I believe many will be surprised to hear that some type of desalination technology is currently being used by 46 States and 105 countries worldwide. The complication arises when money enters the picture. The barrier to wider use both at home and

abroad has been and continues to be cost.

Shortages of water increasingly are a brake on economic development and a source of friction between nations. On a trip I made in December with some Senate colleagues through the Middle East, one of the topics passionately raised by Israeli Prime Minister Yitzhak Shamir, Egyptian President Hosni Mubarak, and other leaders of that region was water. They talked much more about water than oil. Here at home, California's drought has worsened with no end in sight. As its population grows, Florida is having water supply problems.

Substantial Federal resources were committed to research and development of desalination technology in the 1950's and 1960's. According to a report by the Office of Technology Assessment, the U.S. industry was generally considered to be at the forefront of desalination technology throughout the 1960's and into the 1970's. Once governmental support for this technology was eliminated during the 1970's, Japanese and European companies—some of which were and still are indirectly supported by their respective central governments—began obtaining contracts that previously would have been awarded to American firms. In the face of growing domestic water shortages as well as strategic international concerns, our Government should renew its commitment to developing this key technology and once again put the United States in the forefront.

The legislation I am introducing today moves toward this goal in three simple steps. The first step designates the Department of the Interior as the lead agency. The second step creates a phase I during which Interior will oversee research and development. The third step creates a phase II requiring a demonstration project to be built to test new technologies developed during phase I. The money would be phased in over a 5-year authorization: \$10 million the first year, \$30 million the second year, \$50 million the third year, and such sums as may be necessary the following 2 years. A 5-year commitment is critical if we wish to make any real progress in this area. My legislation also calls upon the Agency for International Development to host a conference at which countries currently using or hoping to use desalination technology would meet.

Less than 0.5 percent of the Earth's water is directly suitable for human consumption, agricultural, or industrial uses. Increasing municipal, industrial, and agricultural growth indicate that the world will experience increasing demands for fresh water. A few years ago, NASA predicted that if worldwide activities continue as they are now, there will be a severe drought before the turn of the century, which will severely affect many countries. I

believe we are beginning to see that prediction become true.

The need is clear. The time is now. We need to move on this quickly to make up for the years of inaction. I urge my colleagues to join me in ensuring the passage of this important legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Research Act of 1991".

SEC. 2. DECLARATION OF POLICY.

In view of the increasing shortage of usable surface and ground water in many parts of the world and the importance of finding new sources of supply to meet present and future water needs and to further the goals of the Colorado River Basin Salinity Control Act of 1974, it is the policy of the United States to provide for the development of practicable low-cost means of producing from saline or biologically impaired waters, water of a quality suitable for agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses and for studies and research related thereto, on a scale sufficient to determine the feasibility of the development of such production and distribution on a large scale, for the purpose of conserving and increasing the water resources of the Nation and the world.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "desalting" means the use of any process or technique for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from saline or biologically impaired waters, by itself or in conjunction with other processing;

(2) the term "saline water" means sea water, brackish water, and other mineralized or chemically impaired water;

(3) the term "Secretary" means the Secretary of the Interior;

(4) the term "United States" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(5) the term "usable water" means water of a quality suitable for agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses.

SEC. 4. PHASE I—BASIC RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—In order to gain basic knowledge concerning the most efficient means by which usable water can be produced from saline water, the Secretary shall conduct a basic research and development program as Phase I of the water research program established by this Act.

(b) PHASE I ACTIVITIES.—In Phase I of the water research program, the Secretary shall—

(1) conduct, encourage and promote fundamental scientific research and basic studies to develop the best and most economical processes and methods for converting saline water into water suitable for beneficial uses, through research grants and contracts—

(A) to conduct research and technical development work;

(B) to make studies in order to ascertain the optimum mix of investment and operating costs;

(C) to determine the best designs for different conditions of operation; and

(D) to investigate increasing the economic efficiency of desalting processes by using them in dual-purpose "coprojects" with other processes involving the use of water;

(2) engage, by competitive or noncompetitive contract or any other means, necessary personnel, industrial or engineering firms, Federal laboratories and other facilities, and educational institutions suitable to conduct research or other work;

(3) conduct or contract for technical work, including the design, construction, and testing of pilot systems and test beds to develop desalting processes and concepts;

(4) study methods for the recovery of by-products resulting from the desalting of water to offset the costs of treatment and to reduce environmental impact from those by-products; and

(5) recommend to Congress authorizations for construction, operation, or participation in demonstration projects for a process that may accomplish the purposes of this Act, the recommendations to be accompanied by reports on engineering, environmental, and economic feasibility.

(c) TARGET DATE.—(1) The Secretary shall endeavor to obtain results in Phase I of the water research program, within 3 years after the date of enactment of this Act, sufficient to support recommendations to Congress pursuant to subsection (b)(5) to commence demonstration activities under section 5.

(2) The Secretary may conduct additional basic research and development under this section concurrently with demonstration activities under section 5.

SEC. 5. PHASE II—DEMONSTRATION.

(a) IN GENERAL.—In order to demonstrate the feasibility of desalting processes at a production level, the Secretary shall conduct a demonstration program as Phase II of the water research program established by this Act.

(b) PHASE II ACTIVITIES.—In Phase II of the water research program, the Secretary shall—

(1) pursue the findings of research and studies authorized by this Act having potential applications to matters other than water treatment to the stage that the findings may be effectively used;

(2) conduct or contract for technical work, including the design, construction and testing of plants and modules to develop desalting processes and concepts to the point of practical demonstration;

(3) study methods for the marketing of by-products resulting from the desalting of water to offset the costs of treatment and to reduce impact on the environment from those byproducts;

(4) undertake economic studies and surveys to determine present and prospective costs of producing water for beneficial purposes in various locations by desalting processes compared to other methods; and

(5) conduct investigations and explore potential cooperative agreements, including cost-sharing with non-Federal public utilities and State and local governmental and other entities in order to develop recommendations for Federal participation in processes and plants utilizing desalting technologies for the production of water.

SEC. 6. PARTICIPATION BY INTERESTED AGENCIES AND OTHER PERSONS.

(a) COORDINATION WITH OTHER AGENCIES.—(1) Research, development and demonstration activities undertaken by the Secretary under this Act shall be coordinated or conducted jointly, as appropriate, with—

(A) the Department of Commerce, specifically with respect to marketing and international competition; and

(B) as appropriate—

(i) the Departments of Defense, Agriculture, State, Health and Human Services, and Energy;

(ii) the Environmental Protection Agency;

(iii) the Agency for International Development; and

(iv) other concerned Government and private entities.

(2) Other interested agencies may furnish appropriate resources to the Secretary to further the activities in which they are interested.

(b) AVAILABILITY OF RESEARCH.—All research sponsored or funded under authority of this Act shall be provided in such manner that information, products, processes, and other developments resulting from Federal expenditures or authorities will (with exceptions necessary for national defense and the protection of patent rights) be available to the general public consistent with this Act.

(c) PATENTS AND INVENTIONS.—(1) Subject to paragraph (2), section 9 (a) through (k) and (m) of the Federal Nonnuclear Energy, Research and Development Act of 1974 (42 U.S.C. 5908 (a) through (k) and (n)) shall apply to any invention made or conceived in the course of or under any contract of the Secretary pursuant to this Act, except that for the purposes of this Act, the words "Administrator" and "Administration" in that section shall be deemed to refer to the Secretary and the Department of the Interior, respectively.

(2) Paragraph (1) shall not be construed to affect the application of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) to research under this Act that is performed at a Federal laboratory.

(d) RELATIONSHIP TO ANTITRUST LAWS.—Section 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5909) shall apply to the activities of individuals, corporations, and other business organizations in connection with grants and contracts made by the Secretary pursuant to this Act.

SEC. 7. TECHNICAL AND ADMINISTRATIVE ASSISTANCE.

The Secretary is authorized to accept technical and administrative assistance from a State, public, or private agency in connection with studies, surveys, location, construction, operation, research, and other work relating to the desalting of water, and may enter into contracts or agreements stating the purposes for which the assistance is contributed and, in appropriate circumstances, providing for the sharing of costs between the Secretary and such agency.

SEC. 8. MISCELLANEOUS AUTHORITIES.

In carrying out this Act, the Secretary may—

(1) make grants to educational and scientific institutions;

(2) contract with educational and scientific institutions and engineering and industrial firms;

(3) engage, by competitive or noncompetitive contract or any other means, necessary personnel, industrial and engineering firms,

and educational institutions suitable to conduct work;

(4) use the facilities and personnel of Federal, State, municipal, and private scientific laboratories;

(5) contract for or establish and operate facilities and tests to conduct research, testing, and development necessary for the purposes of this Act;

(6) acquire processes, data, inventions, patent applications, patents, licenses, lands, interests in lands and water, facilities, and other property by purchase, license, lease, or donation;

(7) assemble and maintain domestic and foreign scientific literature and issue pertinent bibliographical data;

(8) conduct inspections and evaluations of domestic and foreign projects and cooperate and participate in their development;

(9) conduct and participate in regional, national, and international conferences relating to the desalting of water;

(10) coordinate, correlate, and publish information which will advance the development of the desalting of water; and

(11) cooperate with Federal, State, and municipal departments, agencies and instrumentalities, and with private persons, firms, educational institutions, and other organizations, including foreign governments, departments, agencies, companies, and instrumentalities, in effectuating the purposes of this Act.

SEC. 9. WATER AND BYPRODUCTS.

(a) DISPOSITION.—(1) The Secretary shall dispose of water and byproducts resulting from operations under this Act consistent with environmental law.

(2) Notwithstanding any other provision of law, moneys received from dispositions pursuant to paragraph (1) shall be deposited in a separate account in the Treasury, to be known as the "Water Research Fund".

(3) Moneys in the Water Research Fund shall be available for expenditure by the Secretary at such times for such purposes, and in such amounts as may be provided for in appropriation Acts.

(b) OWNERSHIP.—Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

SEC. 10. DESALINATION CONFERENCE.

(a) ESTABLISHMENT.—The President shall instruct the Agency for International Development to sponsor an international desalination conference within 12 months following the date of the enactment of this Act. Participants in such conference should include scientists, private industry experts, desalination experts and operators, and government officials from nations that use and conduct research on desalination, and those from nations that could benefit from low-cost desalination technology, particularly in the developing world.

(b) FUNDING.—Funding for the international desalination conference may come from operating or program funds of the Agency for International Development, and the Agency for International Development shall encourage financial and other support from other nations, including those that have desalination technology and those that might benefit from it.

SEC. 11. REPORTS.

Prior to the expiration of the 12 month period following the date of enactment of this Act, and each 12 month period thereafter, the Secretary shall report to the President and Congress concerning the administration of this Act. Such report shall include the actions taken by the Secretary during the calendar year preceding the calendar year in

which such report is filed, and shall include actions planned for the next following calendar year.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of carrying out Phase I of the water research program established by section 4, there is authorized to be appropriated for fiscal year 1992, \$10,000,000, for fiscal year 1993, \$30,000,000, for fiscal year 1994, \$50,000,000, and for each of the fiscal years 1995 and 1996, such sums as may be necessary.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 483. A bill entitled the "Taconic Mountains Protection Act of 1991"; to the Committee on Agriculture, Nutrition, and Forestry.

TACONIC MOUNTAIN PROTECTION ACT

Mr. LEAHY. Mr. President, I rise today with my good friend from Vermont [Mr. JEFFORDS] to introduce the Taconic Mountains Protection Act of 1991. This legislation will make 185,000 acres of forest land in Bennington County eligible for public purchase and protection.

Since 1980 we have added 60,000 acres to the Green Mountain Forest. That is a 17 percent increase in lands reserved in perpetuity for the enjoyment of all Vermonters and all visitors from around the world to our State. In fact, one of my proudest achievements as a Senator has been the acquisition of new lands for the Green Mountain National Forest that will protect the spine of the Green Mountains, from the Massachusetts border on the south, to Camel's Hump to the north. That objective has in large part been achieved.

It is now time to protect and preserve the character of southwestern Vermont's Taconic Range. I am committed to expanding the Green Mountain National Forest to the Taconics because lands included in the Green Mountain National Forest will forever remain open to all Vermonters. No one can post a "no trespassing" sign on our national forests. Vermonters will always be able to hike, hunt, fish, snowmobile and otherwise enjoy the wild and wonderful places we love so dearly.

Mr. President, if I could leave any legacy to succeeding generations of my fellow Vermonters, this would be it. I see my work during the last 16 years on the Green Mountain National Forest as my legacy to my beloved and native State.

Vermont's forests are one of our great treasures. They provide fish and wildlife habitat, recreational opportunities for our citizens and also economic opportunities through sustainable management practices.

This legislation will expand the purchase boundaries of the Green Mountain National Forest. This expansion was initiated in Bennington; supported at town meetings, and ultimately approved by the Vermont State legislature through legislation they passed last June.

This is a case where the local level, county level, State level and now at the Federal level, people of Vermont have joined together and spoken about what they want. It represents a successful partnership between the Forest Service, Bennington County, and local communities.

So, with this legislation, we will have the tools to expand the Green Mountain National Forest. As a member of the Senate Appropriations Committee I will seek funding to make this expansion a reality.

Mr. President, I also would send to the desk and ask unanimous consent to have printed in the RECORD, the findings and purposes of the Taconic Mountains Protection Act of 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TACONIC MOUNTAINS PROTECTION ACT OF 1991

SECTION 1. FINDINGS AND PURPOSES

(a) Congress finds that:

(1) Large tracts of undeveloped forest land in Vermont's Taconic Mountain Range are threatened by conversion to non-forest uses.

(2) Lands included in the Green Mountain National Forest are forever open to all Vermonters.

(3) The Green Mountain National Forest permanently protects forests for their environmental and economic benefits through the management of range, recreation, timber, water, wilderness and fish and wildlife resources.

(4) The Bennington County Regional Commission supports expanding the Green Mountain National Forest Boundary to include the Taconic Mountain Range.

(5) The Vermont General Assembly has enacted legislation consenting to the acquisition by the Federal government of lands throughout the Taconic Mountain Range within Bennington County for inclusion in the Green Mountain National Forest.

(b) It is the purpose of this Act to expand the boundaries of the Green Mountain National Forest to include the Taconic Mountain Range within Bennington County.

SECTION 2. GREEN MOUNTAIN NATIONAL FOREST EXPANSION

The boundaries of the Green Mountain National Forest are hereby modified to include all lands depicted on a map entitled "Taconic Mountain Range Expansion" dated March 1, 1991, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. Within the area delineated on such map, the Secretary shall utilize his authorities under the Act of March 1, 1911 (Chapter 186, 36 Stat. 961 as amended), to acquire lands, waters, and interests therein. Lands so acquired shall be managed under such Act for National Forest purposes.

Mr. JEFFORDS. Mr. President, I am pleased to join Senator LEAHY in introducing legislation to expand the purchase area boundary of the Green Mountain National Forest. This bill would expand the forest boundary to include all of the Taconic Mountain Range within Bennington County in southern Vermont.

Since its creation, the Green Mountain National Forest has provided

unique outdoor recreational and employment opportunities and preserved the beauty that is so often associated with Vermont. It has served as important habitat for diverse wildlife and provides protection of the natural resources upon which these species depend.

Development pressures have increased in this area, and many of the private landowners have indicated a willingness to sell their parcels for subdivision or other development purposes. The citizens of Vermont, especially Bennington County, believe the region would be better served if these landowners had the opportunity to include these lands in the Green Mountain National Forest.

Mr. President, Vermonters have always supported the forest, and again they are showing their support. This proposal has been endorsed by the Bennington County Regional Commission, which conducted a detailed analysis of the impacts of expanding the purchase area. The eight towns that would be affected by expansion have all voted in favor of this action.

Support has also been echoed by the Vermont General Assembly, which enacted legislation consenting to Federal acquisition of lands for the purposes of expanding the Green Mountain National Forest. It is clear that the citizens of Vermont support this proposal.

Vermonters have always been good stewards of our natural resources. We know we need to act now to preserve our forests.

Expanding the purchase area would provide the opportunity to include tracts that could enhance the existing benefits of the Green Mountain National Forest. Much of the natural resources and wildlife could be better served through expansion of the Forest. Moreover, the lands of the Taconic Range would substantially improve the comprehensive management opportunities for multiple use.

The legislation we are introducing today would merely expand the purchase area for the Green Mountain National Forest, so it does not impact the Federal budget. The tracts would be bought on a willing-seller basis, and would also be subjected to the existing competitive ranking process at the Department of Agriculture and in Congress.

Mr. President, I am pleased to join the senior Senator from Vermont in offering this legislation, and feel the strong support it has received in our home State will be reflected here by Congress.

By Mr. BRADLEY:

S. 484. A bill to establish conditions for the sale and delivery of water from the Central Valley Project, California, a Bureau of Reclamation facility, and for other purposes; to the Committee on Energy and Natural Resources.

S. 485. A bill to authorize the Secretary of the Interior to undertake a program of studies to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, and for other purposes; to the Committee on Energy and Natural Resources.

CENTRAL VALLEY PROJECT IMPROVEMENT ACT
AND RECLAMATION WASTEWATER AND
GROUNDWATER STUDY ACT

Mr. BRADLEY. Mr. President, I am introducing today two bills which will offer substantial assistance to the people of California in meeting their short- and long-term water needs. I am pleased that the senior senator from California [Mr. CRANSTON] has joined me as an original cosponsor of these measures.

The first bill, entitled the Central Valley Project Improvement Act, would grant the Secretary of the Interior additional authorities and directives by which to manage the Bureau of Reclamation's Central Valley Project, the largest water project in the State of California. The bill will make the benefits of the project available to all water users in the State while, at the same time, ensuring that the project's environmental problems are addressed in a fair and timely manner.

The second bill, entitled the Reclamation Wastewater and Groundwater Study Act, will offer Federal assistance to California and other Western States' water agencies in reclaiming and reusing wastewater. Such steps are vital to meet the region's needs for new water supplies. This measure passed the Senate during the latter days of the 101st Congress, but was not considered by the House.

I will focus my comments today on the Central Valley Project Improvement Act.

Mr. President, each year California's population grows by more people than live in Wyoming. Each year agriculture uses 85 percent of the water in California. More people and less water make the fifth year of severe drought a critical moment at which we must find creative, long-term solutions to all the State's water needs, or if we don't, face a future of constant scarcity and permanent crisis. Private and local interests must do their part, and the State government has moved in the right direction. Now it's time to give some thought to the role the Federal Government can play in solving California's water problems.

Washington can do much more than just spend money to bail out the economic victims of this drought. Because the Federal Government controls almost 40 percent of the State's water, we have an obligation to work with the State and local water agencies in fashioning a comprehensive, long-term

water policy that will minimize hardship and prepare California for a prosperous future.

The need for close cooperation between State government and the Federal Bureau of Reclamation would seem self-evident. And in the case of Bureau of Reclamation projects on the Colorado River—which store and regulate the majority of water delivered to southern California—Federal, State and local water managers have developed a healthy partnership. While not perfect, at least they are working toward common goals. This successful relationship stands in sharp contrast to the Central Valley project.

The Bureau of Reclamation's Central Valley project supplies about twenty percent of the State's water, roughly 7 million acre-feet—326,000 gallons per acre-foot—enough to meet the needs of 35 million people. About 90 percent of the Central Valley project's water is sold at heavily subsidized rates to Central Valley growers; the remainder goes to bay area cities and other consumers.

The Central Valley project is, from one perspective, a remarkably successful agricultural enterprise. CVP farms produce hundreds of crops, employ thousands of people, and contribute billions of dollars to the economy. But the Bureau of Reclamation's devotion to its agribusiness constituency has caused the agency to work against California's much broader interests in responsible water management.

California water law has been progressive and forward-thinking in its attention to conservation and environmental protection. But the Bureau of Reclamation has tried to insulate the CVP from the progressive features of California water law, and has resisted facing up to the State's serious environmental problems and the need to conserve.

Where California encourages voluntary water transfers so that market incentives will encourage conservation, the Bureau has erected administrative barriers blocking transfers of CVP water. When Congress gave the Bureau authority to require CVP water users to conserve, the Bureau chose merely to ask growers to draft conservation plans, without requiring that the plans actually be implemented.

When the State sought to place environmental standards on Bureau dams, to improve water quality in the Sacramento/San Joaquin Delta, and asked the Bureau to consider environmental effects before renewing 40-year CVP water contracts, the Bureau fought the State's efforts at every pass. The Bureau's failure to acknowledge any concerns other than the agribusinesses' desire for cheap water has impeded efforts to protect salmon, steelhead, migratory waterfowl and other fish and wildlife damaged by the Central Valley project.

Right now, the Federal Bureau of Reclamation's Central Valley project is part of the problem, not part of the solution to California's drought crisis. Given the generous taxpayer subsidies given to CVP water users, it is essential that we hold those users to the highest standards of environmental protection, economic sense, and sound water management. They must at least be held to the same standards as water users who happen to buy from the State or local agencies.

As chairman of the Water and Power Subcommittee of the Senate Committee on Energy and Natural Resources, I believe it is important that Congress pass the Central Valley Project Improvement Act. The bill would authorize some sales of CVP water to California cities, encourage conservation, permit transfers of water, and mandate restoration of fish and wildlife populations damaged by the CVP. For the long-term, it would establish a balanced State-Federal advisory committee to explore the possibility of transferring the CVP from Federal to State control.

California faces enough difficulties in solving its water crisis without the impediments of a stubborn Federal agency beholden to special interests. The Central Valley project should be a better partner for California. With every sector of California's water community working together, we can not only get through this drought, we can prepare to meet California's future water needs in a way that protects the environment and recognizes the claims of all of California's people for adequate supplies of water.

Mr. President, I ask unanimous consent that the text of the bills, and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central Valley Project Improvement Act."

SEC. 2. PURPOSES.

The purposes of this Act shall be to promote and expand the authorized purposes of the Central Valley Project, California, by establishing conditions which must be satisfied before the Secretary of the Interior may sell or deliver water from the Central Valley Project under contract or other agreement, and for other purposes.

SEC. 3. DEFINITIONS.

As used in this Act,

(a) the terms "Central Valley Project" or "project" mean all Federal reclamation projects located within or diverting water from or to the watershed of the Sacramento and San Joaquin rivers and their tributaries as authorized by the Act of August 26, 1937 (50 Stat. 850) and all Acts amendatory or supplemental thereto, including but not limited to the Act of October 17, 1940 (54 Stat. 1198, 1199), Act of December 22, 1944 (58 Stat. 887),

Act of October 14, 1949 (63 Stat. 852), Act of September 26, 1950 (64 Stat. 1036), Act of August 27, 1954 (68 Stat. 879), Act of August 12, 1955 (69 Stat. 719), Act of June 3, 1960 (74 Stat. 156), Act of October 23, 1962 (76 Stat. 1173), Act of September 2, 1965 (79 Stat. 615), Act of August 19, 1967 (81 Stat. 167), Act of August 27, 1967 (81 Stat. 173), Act of September 28, 1976 (90 Stat. 1324) and Act of October 27, 1986 (100 Stat. 3050);

(b) the terms "repayment contract" and "water service contract" shall have the same meaning as provided in sections 9(d) and 9(e) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195) as amended;

(c) the term "Federal environmental laws" shall mean those federal laws intended, in part or in whole, to restore, protect or improve the natural environment, including, but not limited to the following Acts as amended or supplemented: Act of July 3, 1918 (40 Stat. 755), Act of June 30, 1948 (62 Stat. 1155), Act of August 12, 1958 (72 Stat. 563), Act of October 2, 1968 (82 Stat. 906), Act of January 1, 1970 (83 Stat. 852), and the Act of December 28, 1973 (87 Stat. 884);

(d) the term "Refuge Water Supply Report" means the report issued by the Mid-Pacific Region of the Bureau of Reclamation of the U.S. Department of the Interior entitled "Report on Refuge Water Supply Investigations, Central Valley Hydrologic Basin, California" (March 1989);

(e) the term "Reclamation laws" means the Act of June 17, 1902 (32 Stat. 388) and all Acts amendatory thereof or supplemental thereto; and

(f) term "Secretary" means the Secretary of the Interior.

SEC. 4. LIMITATION ON CONTRACTING.

(a) Except as provided in subsections 4(b) and 5(a) of this Act, the Secretary shall not enter into any contract or other agreement to sell or deliver water from the Central Valley Project on any basis or for any purpose other than fish and wildlife before:

(1) the provisions of subsections 6 (b), (c), (d), and (e) of this Act are met;

(2) the California State Water Resources Control Board concludes its current review of San Francisco Bay/Sacramento-San Joaquin Delta Estuary water quality standards and determines the means of implementing such standards, including any obligations of the Central Valley Project, and the Administrator of the Environmental Protection Agency shall have approved such standards; and

(3) at least one hundred and twenty days shall have passed after the Secretary provides a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives explaining the obligations, if any, of the Central Valley Project with regard to achieving San Francisco Bay/Sacramento-San Joaquin Delta Estuary water quality standards as finally established and approved by relevant State and Federal authorities, and the impact of such obligations on Central Valley Project operations, supplies, the commitments.

(b) In recognition of water shortages facing urban areas of California, and subsection (a) of this section notwithstanding, the Secretary is authorized to make available 100,000 acre-feet of Central Valley Project water for sale through water service contracts not to exceed twenty years in length to any California water agencies for municipal and industrial purposes. The Secretary shall provide public notice of the availability of such water and shall be available to receive offers for such water for a period not to

exceed one week in duration beginning not less than sixty days after enactment of this Act. The Secretary shall make all such offers public immediately upon their submission to the Secretary. The Secretary shall accept the offers of the water agency or agencies offering the greatest monetary payments per acre-foot of water made available by the Secretary; *Provided*, that, the payments shall in no case be less than \$100 per acre-foot of contractual commitment annually, the payments must at least cover all Federal costs associated with the proposed sale and delivery, delivery is feasible using existing facilities, the proposed use of the water shall be consistent with State law, and the sale is consistent with all applicable environmental requirements. All revenues collected by the Secretary from the contract or contracts authorized by this section, other than ordinary operation and maintenance costs, shall be covered into the fund established by section 7 of this Act and expended pursuant to that section.

(c) The Secretary may not renew any existing repayment or water service contract for the delivery of water from the Central Valley Project, other than contracts for fish and wildlife water supply purposes, for a period exceeding one year in duration until the requirements of subsections 6 (b), (c), (d), and (e) have been met, except that the Secretary may renew such contracts for periods not to exceed twenty years in length if:

(1) at least ten percent of the water under the subject contract on the date of enactment of this Act or ten percent of the average annual quantity of project water actually delivered to the contracting district or agency between 1985 and 1989, whichever is greater, plus an additional one percent of such total contract amount or average annual delivered amount for each year or portion thereof that the renewal contract is extended beyond ten years in length, is dedicated for use by the Secretary annually for fish and wildlife purposes in furtherance of this Act's goals and objectives; and

(2) the Secretary shall have first analyzed the impact of such proposed contract pursuant to the Federal environmental laws and complied with applicable State environmental laws.

(d) Not later than two years after the date of enactment of this Act, the Secretary shall prepare a programmatic environmental impact statement analyzing the cumulative impacts of the potential renewal of all existing Central Valley Project water contracts, including impacts within the Sacramento, San Joaquin, and Trinity river basins.

SEC. 5. IMPROVED WATER MANAGEMENT AND CONSERVATION.

All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this Act shall provide that:

(a) all water subject to the contract may be transferred, whether by sale, lease, exchange, donation, or other means consistent with applicable State law, to any other California water user or water agency, State agency, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law, regardless of price or duration; *Provided*, That the contract shall also ensure that no transfers shall be made in excess of the average annual quantity of project water actually delivered to the contracting district or agency between 1985 and 1989; *And provided*

further, That 25 percent of the net proceeds resulting from the transfer shall be deposited in the fund established under section 7 of this Act or 25 percent of the water subject to the transfer shall be dedicated to fish and wildlife restoration, protection, or enhancement pursuant to recommendations of the California Department of Fish and Game;

(b) individual subcontractors or water users within the contracting district or agency shall be authorized to act as their own agents in effecting transfers to entities outside district or agency boundaries, and further provides that a proposed transfer by such subcontractor or water user shall be viewed as "mutually satisfactory" in accordance with the provisions of California Water Code Section 383(c), if:

(1) costs to the contracting district or agency, or to other subcontractors or water users within the boundaries of the district or agency, do not increase as a consequence of the transfer;

(2) the subcontractor or water user agrees to forego an equivalent amount of project water deliveries, including conveyance losses, to which it would otherwise have been entitled throughout the term of the transfer; and,

(3) the transfer involves no more water than the amount consumptively used or irretrievably lost in its prior use.

(c) the contracting district or agency shall ensure that all existing groundwater pumps and surface water delivery systems within its boundaries are equipped with volumetric water meters within five years of the date of contract execution, amendment, or renewal, and that any new groundwater pumps and surface water delivery systems installed within its boundaries on or after the date of contract renewal is so equipped;

(d) the contracting district or agency shall:

(1) demonstrate its authority, either individually or as a member of an appropriate regional entity, to undertake such actions as may be needed to ensure that surface and subsurface agricultural drainage discharges generated within its boundaries meet all applicable State and Federal water quality standards; and

(2) commit to a program, either individually or as a member of an appropriate regional entity, through which surface and subsurface agricultural drainage discharges generated within its boundaries will meet all applicable State and Federal water quality standards;

(e) if the contracting district, agency, or appropriate regional entity fails to meet all of the commitments specified under paragraph (d)(2) of this section at any time during the contract period, the contract shall terminate at the end of that year in which the failure or failures occur and shall not be renewed for periods of more than one year in duration until the district, agency, or appropriate regional entity can demonstrate that such commitments have been, are being, and will continue to be met. The provisions of this subsection shall be in addition to any and all requirements, remedies, and sanctions which are otherwise provided under State and Federal law. Neither this subsection nor subsection (d) is intended to impair or diminish in any way any legal obligation of the Secretary to provide drainage services.

SEC. 6. FISH AND WILDLIFE RESTORATION.

(a) In furtherance of and in addition to the purposes and provisions of the Act of August 26, 1937 (50 Stat. 844, 850) and all other acts supplemental thereto or amendatory thereof, and any provision of such Acts to the con-

trary notwithstanding, the Secretary is authorized and directed to operate the Central Valley Project so as to:

(1) protect, restore and enhance fish, wildlife, and related habitat affected by the Project, and

(2) provide equitable treatment for fish, wildlife, and related habitat with the other primary purposes for which the Central Valley Project is authorized to be operated.

(b) The Secretary shall provide firm water supplies of suitable quality to maintain and improve wetland habitat on National wildlife refuges in the Central Valley of California, the Gray Lodge, Los Banos, Volta, and Mendota state wildlife management areas, and the Grasslands Resource Conservation District in the Central Valley of California.

(1) Upon enactment of this Act, the quantity and delivery schedules of water for each refuge shall be in accordance with Level 2 of the "Dependable Water Supply Needs" table for that refuge as set forth in the Refuge Water Supply Report. Such water shall be delivered until the water supply provided for in paragraph (b)(2) of this section is provided.

(2) Not later than January 1, 2000, the quantity and delivery schedules of water for each refuge shall be in accordance with Level 4 of the "Dependable Water Supply Needs" table for that refuge as set forth in the Refuge Water Supply Report.

(c) In coordination with the Secretary of Commerce, State of California, appropriate Indian tribes, fisheries and conservation organizations, and the general public, the Secretary shall:

(1) develop and adopt a program to mitigate fully and expeditiously for damages suffered by anadromous fish populations on the Sacramento, San Joaquin, and Trinity rivers and their tributaries as a result of construction or operation of the Central Valley Project. Such program shall be implemented promptly by the Secretary and shall complement and be coordinated with other existing and future efforts by the Federal Government, State of California, and appropriate Indian tribes to restore, protect or enhance anadromous fish populations.

(2) develop, adopt, and implement a program to comply with the purposes and provisions of section 5937 of the Fish and Game Code of the State of California.

(d) The Secretary of Commerce, in coordination with the State of California, appropriate Indian tribes, and other appropriate public and private entities, shall investigate and report on all effects of the Central Valley Project on anadromous fish populations and the fisheries, communities, tribes, businesses and other interests and entities that have now or in the past had significant economic, social or cultural association with those fishery resources. The Secretary of Commerce shall provide such report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than one year after the date of enactment of this Act.

(e) The Secretary shall develop a plan to fulfill the United States trust obligations with respect to the fisheries and water of the Hoopa Valley Tribe and all other affected Indian tribes or communities. The Secretary shall provide such plan to the Committee on Energy and Natural Resources and Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after the date of enactment of this Act.

SEC. 7. RESTORATION FUND AND TRUST.

(a) There is hereby established in the Treasury of the United States the "Central Valley Project Restoration Fund" (hereafter "Restoration Fund") which shall be available for deposit of donations from any source, revenues provided under subsections 4(b) and 5(a) of this Act, and funds provided under subsection (b) of this section. All such funds may be expended without further appropriation.

(b) The Secretary shall impose an operations and maintenance surcharge on all sales of project power and sales of project water for irrigation, municipal, and industrial purposes sufficient to generate annually \$30,000,000 (October 1990 price levels) to be used to implement the fish and wildlife restoration goals of this Act. Such revenues shall be covered into the Restoration Fund.

(c) The Secretary shall contribute one-half of the revenues deposited annually in the Restoration Fund established under subsection (a) of this section to a Central Valley Project Restoration Trust (hereafter "Restoration Trust") established in accordance with subsection (d) of this section and operated in accordance with subsection (e) of this section.

(d) A Central Valley Project Restoration Trust shall be eligible to receive Federal contributions pursuant to subsection (c) of this section if it complies with each of the following requirements:

(1) The Trust is established by non-Federal interests as a non-profit corporation under the laws of California with its principal office in California.

(2) The Trust is under the direction of a Board of Trustees which has the power to manage all affairs of the corporation, including administration, data collection, and implementation of the purposes of the Trust.

(3) The Board is comprised of seven persons appointed as follows, each for a term of five years:

(A) 3 persons appointed by the Governor of California, two of whom shall possess superior credentials in the preservation and restoration of natural biological diversity;

(B) 1 person appointed by each United States Senator from California;

(C) 1 person appointed by the President Pro Tempore of the California State Senate who shall possess superior credentials in the preservation and restoration of natural biological diversity; and

(D) 1 person appointed by the Speaker of the California State Assembly who shall possess superior credentials in the preservation and restoration of natural biological diversity.

(4) Vacancies on the Board are filled in the manner in which the original appointments were made. Any member of the Board is eligible for reappointment for successive terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed is appointed only for the remainder of such term. A member may serve after the expiration of his or her term until his or her successor has taken office. Members of the Board shall serve without compensation.

(5) The corporate purposes of the Trust are to select and provide funding for projects that protect or restore the best examples of Central Valley's biological diversity, its rare species, plant and animal communities, and large-scale natural ecosystems.

(e) A Central Valley Project Restoration Trust established by non-Federal interests as provided in subsection (d) shall be deemed to be operating in accordance with this sub-

section if, in the opinion of the Secretary, each of the following requirements are met:

(1) The Trust is operated to select and provide funding for projects that protect or restore the best examples of the Central Valley's biological diversity: its rare species, plant and animal communities, and large-scale natural ecosystems;

(2) the Trust is managed in a fiscally responsible fashion by investing in private and public financial vehicles with the goal of producing income and preserving principal as needed; and

(3) proceeds from the Trust are used for the following purposes:

(A) 20 percent per year will be provided to the California Department of Fish and Game to fund projects that identify, protect or restore the best examples of the Central Valley biological diversity: its rare species, plant and animal communities, and large-scale natural ecosystems.

(B) Up to five percent of the costs of each project are used for preserve design or site planning to ensure that sites are selected for funding which are well-designed to maintain the long-term viability of the significant species and communities found at the site.

(C) Proceeds from the Trust may be used to complete land protection projects designed to protect biological diversity.

(D) Projects may include acquisition of land, water rights or other partial interests from willing sellers only, or arranging management agreements, registry and other techniques to protect significant sites.

(E) Ownership of land acquired with Trust proceeds will be held by the public agency or private non-profit organization which proposed and completed the project, or another conservation owner with the approval by the Board. The land will be managed and used for the protection of biological diversity. If the property is used or managed otherwise, title will revert to the Trust for disposition.

(F) Projects eligible for funding must be located within the Central Valley or in those areas affected by the operation of the Central Valley Project.

(G) At the discretion of the Board, Trust proceeds may be used for direct project costs including direct expenses incurred during project completion. Land project funding may also include the creation of a stewardship endowment subject to the following terms:

(i) up to 25% of the total fair market value of the project may be placed in a separate endowment;

(ii) the proceeds from the endowment will be used for the ongoing management costs of maintaining the biological integrity and viability of the significant biological features of the site;

(iii) endowment funds may not be used for activities which primarily promote recreational or economic uses of the site; and,

(iv) the endowment for each site will be held in a separate account from the body of the Trust and other endowments. The endowments will be managed by the Trust Board but the owner or manager of the site may draw upon the proceeds of the stewardship endowment to fund management activities with approval of the board. Additional management funds may be secured from other public and private sources.

(H) Should the biological significance of a site be destroyed or greatly reduced, the land may be disposed of but the proceeds and any stewardship endowment will revert to the Trust for use in other projects.

(I) Proceeds from the trust may be used for management of public or private lands, in-

cluding but not restricted to lands purchased with trust funds, except that only those management projects that result in the maintenance or restoration of statewide biological diversity are eligible for consideration.

(f) The Secretary shall use funds deposited in the Central Valley Project Restoration Fund, other than those transferred pursuant to subsection (c), to:

(1) implement the fish and wildlife restoration plans required by section 6 of this Act;

(2) restore damaged natural ecosystems on public lands and waterways affected by the Central Valley Project;

(3) acquire from willing sellers other lands and properties or appropriate interests therein located within the Central Valley with restorable damaged natural ecosystems and restore such ecosystems;

(4) provide jobs and sustainable economic development in the Central Valley in a manner that carries out the other purposes of this subsection;

(5) provide expanded recreational opportunities; and,

(6) support and encourage research, training and education in methods and technologies of ecosystem restoration.

(g) In implementing subsection (f), the Secretary shall give priority to restoration and acquisition of lands and properties (or appropriate interests therein) where repair of compositional, structural and functional values will:

(1) reconstitute natural biological diversity that has been diminished;

(2) assist the recovery of species populations, communities and ecosystems that are unable to survive on-site without intervention;

(3) allow reintroduction and reoccupation by native flora and fauna;

(4) control or eliminate exotic flora and fauna which are damaging natural ecosystems;

(5) restore natural habitat for the recruitment and survival of fish, waterfowl and other wildlife;

(6) provide additional conservation values to state and local government lands;

(7) add to structural and compositional values of existing preserves or enhance the viability, defensibility and manageability of preserves; and

(8) restore natural hydrological effects including sediment and erosion control, drainage, percolation and other water quality improvement capacity.

(h) The Secretary shall make no expenditures from the Central Valley Project Restoration Fund, other than those described in subsection 7(c), until such time as the Governor of California certifies to the Secretary that the State of California has made an irrevocable commitment to implement in a timely fashion the recommendations for State action presented in the report prepared by the Resources Agency of the State of California entitled "Upper Sacramento River Fisheries and Riparian Habitat Management Plan" (January 1989).

SEC. 8. ADDITIONAL AUTHORITIES.

(a) The Secretary is authorized to promulgate such regulations and enter into such agreements as may be necessary to implement the purposes and provisions of this Act.

(b) Electrical energy used to operate and maintain facilities developed for fish and wildlife purposes pursuant to this Act, including that used for groundwater development, shall be deemed as Central Valley Project power and shall be repaid by the user in accordance with Reclamation law and at a

price not higher than the lowest price paid by or charged to Central Valley Project contractors.

(c) In order to carry out the purposes and provisions of this Act, the Secretary is authorized to obtain water supplies from any source available to the Secretary.

(d) The Secretary is authorized to enter into contracts pursuant to Reclamation law and this Act with any California water user or water agency, State agency, or private non-profit organization for the impounding, storage, carriage, and delivery of Central Valley Project water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

(e) The Secretary, in consultation with the State of California, is authorized to enter into agreements to allow project water contractors to use project facilities, where such facilities are not otherwise committed or required to fulfill project purposes or other Federal obligations, for supplying carry-over storage of irrigation and other water for drought protection, multiple-benefit credit-storage operations, and other purposes. The use of such water shall be consistent with and subject to applicable State laws.

(f) The Secretary shall:

(1) permit project water contractors to reduce their payments for water made available by the Secretary but not taken by the contractor during a water year by the amount of any avoided operations and maintenance costs; and

(2) set operations and maintenance charges so as to create a reserve to assure annual repayment of operations and maintenance costs in those years where contractors do not take or pay for their full allotment.

(g) In addition to the duties and authorities contained in section 210 of the Reclamation Reform Act of 1982, and in furtherance of the purposes and provisions of that section, the Secretary shall establish and administer an office on Central Valley Project water conservation best management practices that shall, in consultation with the Secretary of Agriculture, the California Department of Water Resources, and California academic institutions, develop criteria and standards for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982.

(1) Criteria and standards developed pursuant to this subsection shall be established within six months following enactment of this Act and shall be reviewed periodically thereafter, but no less than every three years, with the purpose of promoting the highest level of water use efficiency achievable by project contractors. The criteria and standards shall include, but not be limited to the following practices, or alternatives to the following practices which will provide equivalent net water use reductions or other conservation-related benefits:

(A) metering of water to all customers;

(B) elimination of declining block rate schedules from any system of water delivery or drainage/wastewater treatment charges;

(C) establishment of water rates and charges that yield not more than 25 percent of water service revenues from fixed charges unrelated to customer's metered water use;

(D) a program of leak detection and repair that provides for the inspection of all conveyance and distribution mains, and performance of repairs, at intervals of three years or less.

(2) The Secretary, through the office established under this subsection, shall review

and evaluate within 18 months following enactment of this Act all existing conservation plans submitted by project contractors to determine whether they meet the conservation and efficiency criteria and standards established pursuant to this subsection.

(3) If at any time a contractor's conservation plan does not meet the criteria and standards established pursuant to this subsection, the Secretary may provide the contractor six months to revise the plan and commence implementation of such revised plan. In the event of further noncompliance with such criteria and standards, the contractor shall pay a surcharge on its water service charges or repayment obligations of 20 percent during the first year of noncompliance; 40 percent during a second year of noncompliance; and 50 percent during a third year of noncompliance. After a second successive year of noncompliance, now new loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance, nor any Federal permit may be made available or issued under authority of Federal law during the period of noncompliance for the purpose of developing, acquiring (including by exchange), or conveying water for the benefit of such contractor. After a third successive year of noncompliance by a contractor, the Secretary shall declare the water committed under contract to such contractor to be not beneficially used for the purpose of implementing and enforcing section 8 of the Reclamation Act of 1902 (32 Stat. 390). All revenues generated by sanctions authorized under this section shall be covered into the fund established under section 7 of this Act. All water found by the Secretary to be not beneficially used pursuant to this section shall be managed by the Secretary for fish and wildlife purposes.

(4) In developing the water conservation best management practice criteria and standards required by this subsection, the Secretary shall take into account and grant substantial deference to the recommendations for action proposed in the Final Report of the San Joaquin Valley Drainage Program, entitled "A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley" (September 1990).

(h) The Secretary is authorized to provide financial assistance to Central Valley Project irrigation contractors who have renewed their contracts with the Secretary pursuant to the terms of subsection 4(c) of this Act for the purpose of implementing cost-effective water conservation projects and measures to facilitate the reduction of project water deliveries required by subsection 4(c) of this Act. The Secretary may provide up to one-half of the costs of implementing such projects and measures as are required to achieve a savings of at least ten percent of the water under the subject contract on the date of enactment of this Act or ten percent of the average annual quantity of project water actually delivered to the contracting district or agency between 1985 and 1989, whichever is greater, plus an additional savings of one percent of such total contract amount or average annual delivered amount for each year or portion thereof that the renewal contract is extended beyond ten years in length up to a total Federal share of \$100 per acre (October 1990 price levels). At the discretion of the Secretary, such assistance shall be made available by direct payment or adjustment of water prices paid by the contractor over the term of the renewed contract, or through a

combination thereof. Such assistance is subject to the following conditions:

(1) the renewed contract shall have been executed not later than March 1, 1994;

(2) the water conservation projects or measures shall be contained in a water conservation plan approved by the Secretary pursuant to subsection (g) of this section; and,

(3) all water users within the jurisdiction of the contractor shall be in full compliance with the Reclamation Reform of 1982, as amended.

(i) This act does not and shall not be interpreted to authorize construction of water storage facilities.

(j) Contract modifications required solely to implement the provisions of this Act shall not subject project contractors, including exchange contractors, to the provisions of the Reclamation Reform Act of 1982 (96 Stat. 1263).

(k) Not later than October 1 of the first full fiscal year after enactment of this Act, and annually thereafter, the Secretary shall submit a detailed report to the Committee on Energy and Natural Resources of the Senate and Committee on Interior and Insular Affairs of the House of Representatives. Such report shall describe all significant actions taken by the Secretary pursuant to this Act and progress toward achievement of the purposes and provisions of this Act. Such report shall include recommendations for authorizing legislation or other measures, if any, needed to implement the purposes and provisions of this Act.

SEC. 9. CITIZEN SUITS.

(a) Except as provided in subsection (b), any person may commence a civil suit in his or her own behalf:

(1) against any person, including the United States or any other governmental instrumentality or agency who is alleged to have violated, be violating or be about to violate any provision of this Act or regulation issued under this Act; or

(2) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this Act which is not discretionary with the Secretary.

(b) No action may be commenced under subsection (a)(1) before 60 days after written notice of the violation has been given to the Secretary, and to any alleged violator of any such provision or regulation. No action may be commenced under subsection (a)(2) before 60 days after written notice has been given to the Secretary; except that an action under either subsection (a)(1) or (a)(2) may be brought immediately after such notification in the case of an action under this section respecting an emergency posing a significant risk to the well-being of any species of fish or wildlife or associated habitat. This paragraph is intended to provide notice to responsible parties where possible and does not affect the jurisdiction of the district courts. Where an action has been commenced without adequate notice to the Secretary, the district court may stay its proceedings to allow proper notice to be given, or make other appropriate orders to achieve the purposes of this subsection.

(c) The court may award costs of litigation (including reasonable attorney and expert witness fees) to any party other than the United States whenever the court determines such award is appropriate.

(d) The injunctive relief provided by this section shall not restrict any right which any person (or class of persons) may otherwise have under any statute or common law

to seek enforcement of any standard or limitation or to seek any other relief.

(e) The district courts shall have jurisdiction to prohibit or prevent any violation of this Act, to compel any action required by this Act, and to issue any other order to further the purposes of this Act. An action under this section may be brought in any judicial district where the alleged violation occurred or is about to occur, where fish or wildlife resources affected by the alleged violation are located, or in the District of Columbia.

SEC. 10. CENTRAL VALLEY PROJECT TRANSFER ADVISORY COMMITTEE.

(a) There is hereby established the "Central Valley Project Transfer Advisory Committee," hereafter referred to as the "Advisory Committee." The Advisory Committee shall be comprised of 16 individuals, appointed as follows:

(1) 8 appointed by the Governor of California, one to represent each of the following organizations and interests;

(A) California Resources Agency;

(B) California State Water Resources Control Board;

(C) Central Valley Project agricultural water contractors;

(D) Central Valley Project municipal and industrial water contractors;

(E) Central Valley Project power contractors;

(F) environmental organizations;

(G) waterfowl conservation organizations; and

(H) fishery conservation organizations.

(2) 1 appointed by the President Pro Tempore of the California State Senate;

(3) 1 appointed by the Speaker of the California State Assembly;

(4) 2 appointed by the Secretary of the United States Department of the Interior to represent individually the United States Fish and Wildlife Service and Bureau of Reclamation;

(5) the Inspector General of the Department of the Interior or his or her designee;

(6) the Administrator of the Environmental Protection Agency or his or her designee;

(7) the Comptroller General of the United States or his or her designee; and,

(8) 1 appointed by the Hoopa Valley Tribe.

(b) The Advisory Committee shall prepare a report to Congress and the President on all issues associated with transfer of all Central Valley Project facilities and assets to the State of California. The Advisory Committee shall provide recommendations on legislative and administrative measures required to execute such transfer which would ensure that:

(1) the fish and wildlife protection and restoration goals of this Act are achieved;

(2) the reserved fishing and water rights of affected Indian tribes are preserved, and the ability of the United States to meet its trust obligations with respect to such tribal assets is maintained;

(3) the Secretary's contractual obligations and rights associated with the Central Valley Project are fulfilled;

(4) the operations of the Central Valley Project and the California State Water Project are integrated to the maximum extent practicable; and

(5) Federal expenditures associated with the Central Valley Project are minimized.

(c) The Advisory Committee shall be co-chaired by the Inspector General of the U.S. Department of the Interior and any individual selected by the Governor of California from among the Advisory Committee mem-

bers appointed by the Governor of California pursuant to paragraph (a)(1) of this section.

(d) Except as provided herein, the terms and provisions of the Federal Advisory Committee Act, Pub. L. 92-463, as amended, (5 U.S.C. App. 2), shall apply to the Advisory Committee.

(e) The Secretary of the Interior shall provide the Advisory Committee with adequate quarters and staff, and will make funds available to meet the Advisory Committee's necessary expenses.

(f) The Advisory Committee shall meet at the call of the co-chairs and, in any event, not less than once every three months following enactment of this Act.

(g) The Advisory Committee shall submit the report as required by subsection (b) of this section not later than December 31, 1993. The report shall be submitted to the President of the United States, the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Interior and Insular Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives. The Advisory Committee shall terminate 90 days after submission of such report.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Funds appropriated under this section shall remain available until expended.

S. 485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Reclamation Wastewater and Groundwater Study Act."

SEC. 2. GENERAL AUTHORITY.

(a) The Secretary of the Interior (hereafter "Secretary"), acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto (hereafter "Federal reclamation laws"), is directed to undertake a program to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters.

(b) Such program shall be limited to the States and areas referred to in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) as amended.

(c) The Secretary is authorized to enter into such agreements and promulgate such regulations as may be necessary to carry out the purposes and provisions of this Act.

(d) The Secretary shall not investigate, promote or implement, pursuant to this Act, any project intended to reclaim and reuse agricultural wastewater generated in the service area of the San Luis Unit of the Central Valley Project, California, except those measures recommended for action by the San Joaquin Valley Drainage Program in the report entitled *A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley* (September 1990).

SEC. 3. APPRAISAL INVESTIGATIONS.

(a) The Secretary shall undertake appraisal investigations to identify opportunities for water reclamation and reuse. Each such investigation shall take into account environmental considerations as provided by the National Environmental Policy Act (Act

of January 1, 1970, 83 Stat. 852) and regulations issued to implement the provisions thereof, and shall include recommendations as to the preparation of a feasibility study of the potential reclamation and reuse measures.

(b) Appraisal investigations undertaken pursuant to this Act shall consider, among other things—

(1) all potential uses of reclaimed water, including, but not limited to, environmental restoration, fish and wildlife, ground water recharge, municipal, domestic, industrial, agricultural, power generation, and recreation;

(2) the current status of water reclamation technology and opportunities for development of improved technologies; and,

(3) measures to stimulate demand for and eliminate obstacles to use of reclaimed water, including pricing.

(c) The Secretary shall consult and cooperate with appropriate State, regional and local authorities during the conduct of each appraisal investigation conducted pursuant to this Act.

(d) Costs of such appraisal investigations shall be nonreimbursable.

SEC. 4. FEASIBILITY STUDIES.

(a) The Secretary is authorized to participate with appropriate Federal, State, regional, and local authorities in studies to determine the feasibility of water reclamation and reuse projects recommended for such study pursuant to section 3 of this Act. The Federal share of the costs of such feasibility studies shall not exceed 50 per centum of the total, except that the Secretary may increase the Federal share of the costs of such feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the non-Federal participant, that the non-Federal participant is unable to contribute at least 50 per centum of the costs of such study. The Secretary may accept as part of the non-Federal cost share the contribution of such in-kind services by the non-Federal participant that the Secretary determines will contribute substantially toward the conduct and completion of the study.

(b) The Federal share of feasibility studies, including those described in sections 5 through 11 of this Act, shall be considered as project costs and shall be reimbursed in accordance with the Federal reclamation laws, if the project studied is implemented.

(c) In addition to the requirements of other Federal laws, feasibility studies authorized under this Act shall consider, among other things—

(1) near- and long-term water demand and supplies in the study area;

(2) all potential uses for reclaimed water;

(3) measures and technologies available for water reclamation, distribution, and reuse;

(4) public health and environmental quality issues associated with use of reclaimed water; and,

(5) whether development of the water reclamation and reuse measures under study would:

(A) reduce, postpone, or eliminate development of new or expanded water supplies, or

(B) reduce or eliminate the use of existing diversions from natural watercourses or withdrawals from aquifers.

SEC. 5. SOUTHERN CALIFORNIA COMPREHENSIVE WATER RECLAMATION AND REUSE STUDY.

(a) The Secretary is authorized to conduct a study to assess the feasibility of a comprehensive water reclamation and reuse system for Southern California. For the purpose

of this Act, the term "Southern California" means those portions of the counties of Imperial, Los Angeles, Orange, San Bernardino, Riverside, San Diego and Ventura within the South Coast and Colorado River hydrologic regions as defined by the California Department of Water Resources.

(b) The Secretary shall conduct the study authorized by this section in cooperation with the State of California and appropriate local and regional entities. The Federal share of the costs associated with this study shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than six years after appropriation of funds authorized by this Act.

SEC. 6. SAN DIEGO AREA WATER RECLAMATION PROGRAM.

(a) The Secretary, in cooperation with the City of San Diego, California, shall conduct a feasibility study of the potential for development of demonstration and permanent facilities to reclaim and reuse water in the San Diego metropolitan service area.

(b) The Federal share of the costs of the study authorized by this section shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than four years of appropriation of funds authorized by this Act.

SEC. 7. SAN JOSE AREA WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, and local water suppliers, shall conduct a feasibility study of the potential for development of demonstration and permanent facilities and related programs to reclaim and reuse water in the San Jose metropolitan service area.

(b) The Federal share of the costs of the study authorized by this section shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this Act.

SEC. 8. PHOENIX METROPOLITAN WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the City of Phoenix, Arizona, shall conduct a feasibility study of the potential for development of facilities to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge and direct potable reuse in the Phoenix metropolitan area.

(b) The Federal share of the costs of the study authorized by this section shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this Act.

SEC. 9. TUCSON AREA WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the State of Arizona and appropriate local and regional entities, shall conduct a feasibility

study of comprehensive water reclamation and reuse system for Southern Arizona. For the purpose of this section, the term "Southern Arizona" means those portions of the counties of Pima, Santa Cruz, and Pinal within the Tucson Active Management Hydrologic Area as defined by the Arizona Department of Water Resources.

(b) The Federal share of the costs of the study authorized by this section shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than four years after appropriation of funds authorized by this Act.

SEC. 10. HYPERION SERVICE AREA WATER RECLAMATION AND REUSE PROJECT.

(a) The Secretary is authorized to participate with the City of Los Angeles, State of California, West Basin Municipal Water District, and other appropriate authorities, in the design, planning, and construction of water reclamation and reuse projects to treat approximately 120,000 acre-feet per year of effluent from the Hyperion Service Area, City of Los Angeles, in order to provide new water supplies for industrial, environmental, and other beneficial purposes, to reduce the demand for imported water, and to reduce sewage effluent discharged into Santa Monica Bay.

(b) The Secretary's share of costs associated with the project described in subsection (a) shall not exceed twenty-five percent of the total. The Secretary shall not provide funds for operation or maintenance of the project.

SEC. 11. LAKE CHERAW WATER RECLAMATION AND REUSE STUDY.

(a) The Secretary is authorized, in cooperation with the State of Colorado and appropriate local and regional entities, to conduct a study to assess and develop means of reclaiming the waters of Lake Cheraw, Colorado, or otherwise ameliorating, controlling and mitigating potential negative impacts of pollution in the waters of Lake Cheraw on groundwater resources or on the waters of the Arkansas River.

(b) The Federal share of the costs of the study authorized by this section shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of sections 1 through 11 of this Act.

SEC. 13. GROUNDWATER STUDY.

(a) In furtherance of the High Plains Groundwater Demonstration Program Act of 1983 (98 Stat. 1675), the Secretary of the Interior, acting through the Bureau of Reclamation and the Geological Survey, shall conduct an investigation and analysis of the impacts of existing Bureau of Reclamation projects on the quality and quantity of groundwater resources. Based on such investigation and analysis, the Secretary shall prepare a reclamation groundwater management and technical assistance report which shall include:

(1) a description of the findings of the investigation and analysis, including the methodology employed;

(2) a description of methods for optimizing Bureau of Reclamation project operations to ameliorate adverse impacts on groundwater, and

(3) the Secretary's recommendations, along with the recommendations of the Governors of the affected States, concerning the establishment of a groundwater management and technical assistance program in the Department of Interior in order to assist Federal and non-Federal entity development and implementation of groundwater management plans and activities.

(b) In conducting the investigation and analysis, and in preparation of the report referred to in this section, the Secretary shall consult with the Governors of the affected States.

(c) The report shall be submitted to the Committees on Appropriations and Interior and Insular Affairs of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate within three years of the appropriation of funds authorized by section 14.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal years beginning after September 30, 1991, \$4,000,000 to carry out the study authorized by section 13.

SUMMARY OF CENTRAL VALLEY PROJECT IMPROVEMENT ACT

SECTION 1. SHORT TITLE

The Act is to be known as the Central Valley Project Improvement Act.

SECTION 2. PURPOSES

To promote and expand the authorized purposes of the Central Valley Project.

SECTION 3. DEFINITIONS

[Self-explanatory]

SECTION 4. LIMITATION ON CONTRACTING

(a) General bar on contracting for sale of uncontracted firm yield of the Central Valley Project (± 1 million acre-feet) until Act's fish and wildlife and water quality improvements are made.

(b) Authorizes special 20-year contracts for sale of 100,000 acre-feet of uncontracted firm yield for municipal and industrial purposes; special conditions for disposition of revenues from contract to fund fish and wildlife restoration activities.

(c) General bar on renewal of water contracts for longer than one-year until specified fish and wildlife and water quality improvements are met. An exception is made which permits 20-year renewals if contractor agrees to forego 10 percent of previous contract amount, plus an additional 1 percent for each year beyond ten years.

(d) Requirement that the Secretary prepare a programmatic EIS on CVP water contract renewals.

SECTION 5. WATER MANAGEMENT IMPROVEMENT

This section establishes conditions for all new, renewed, or amended CVP water contracts for irrigation, municipal, and industrial purposes.

(a) and (b) Permit transfers of water under contract to any water agency and other entities regardless of price, duration or location, with a portion of transferred water or financial proceeds of transfers dedicated to fish and wildlife restoration, and other conditions. Restrictions to protect State law and Delta water quality.

(c) Requires contractors to meter ground and surface water.

(d) and (e) Require contractors to take responsibility for drainage management re-

quired to meet State and Federal water quality standards.

SECTION 6. FISH AND WILDLIFE RESTORATION OBLIGATIONS AND AUTHORITIES

(a) Authorizes and directs the Secretary to operate the CVP for fish and wildlife and provide equitable treatment for fish and wildlife with other project purposes.

(b) Requires the Secretary to provide specified quantities of water for Central Valley wildlife refuges.

(c) Requires the Secretary to develop a plan to mitigate fully for damages suffered by anadromous fish populations because of the CVP and to comply with applicable State law requiring fish flows below dams.

(d) Requires the Secretary of Commerce to investigate and report on all effects of the CVP on anadromous fish populations and dependent fisheries, communities, tribes, businesses and other interests.

(e) Requires the Secretary to develop a plan to fulfill trust obligations with respect to the fisheries of the Hoopa Valley Tribe and other Indian tribes affected by the CVP.

SECTION 7. RESTORATION FUND AND TRUST

(a) Establishes the "Central Valley Project Restoration Fund" in the U.S. Treasury.

(b) Requires the Secretary to impose and collect a surcharge on CVP water and power sales to generate \$30 million per year to implement fish and wildlife restoration goals of the Act. Revenues deposited in the Restoration Fund.

(c) Requires the Secretary to contribute 1/2 of surcharge revenues to a private, non-profit California-based "Central Valley Project Restoration Trust."

(d) Provides for Restoration Trust to be administered by a 7-person board with ecological restoration expertise selected by California officials. Trust purpose is to select and provide funding for projects that protect or restore the best examples of the Central Valley's biological diversity, its rare species, exemplary plant and animal communities, and large-scale natural ecosystems.

(e) Establishes conditions for Restoration Trust operations in order to qualify for Federal contribution. Portion of trust proceeds provided to California Department of Fish and Game.

(f) Requires Secretary to use funds deposited in the Restoration Fund, other than those transferred to the private Restoration Trust, to implement the fish and wildlife restoration plans required by section 6 of the Act, and to encourage and implement related ecological restoration in the Central Valley.

(g) Establishes objectives for ecological restoration activities.

(h) Bars the Secretary from making expenditures from the Restoration Fund until the State of California commits to implement specified fish and wildlife protection and restoration measures on the Sacramento River.

SECTION 8. ADDITIONAL AUTHORITIES

(a) Authorizes necessary regulations and agreements.

(b) Authorizes use of low-cost project power for fish and wildlife purposes.

(c) Authorizes Secretary to obtain water supplies to implement fish and wildlife provisions of the Act.

(d) Authorizes Secretary to contract with water agencies and fish and wildlife interests for use of project facilities for municipal and industrial water supply, fish and wildlife purposes, and other beneficial purposes ("Warren Act" amendment).

(e) Authorizes Secretary to make project facilities available for carryover storage for

drought protection and other purposes (water banking).

(f) Authorizes Secretary to adjust annual water charges to reflect avoided operations and maintenance costs of water carried-over.

(g) Requires Secretary to establish an office of CVP water conservation best management practices to develop criteria and standards for water conservation in the CVP. Provides for review, improvement, and implementation of water conservation conservation plans required by Reclamation Reform Act. Provides sanctions for failure to implement plans.

(h) Authorizes Federal grants for up to 50 percent of the cost of implementing water conservation measures required to achieve the water savings mandated by subsection 4(c), so long as water contracts are renewed by March 1, 1994 and measures are included in an approved water conservation plan.

(i) Provides that Act does not authorize construction of new storage facilities.

(j) Provides that contract modifications required solely to implement provisions of the Act do not trigger RRA acreage and pricing limits.

(k) Requires annual reports from the Secretary on implementation of the Act.

SECTION 9. CITIZEN SUITS.

Authorizes citizen suits to enforce non-discretionary provisions of the Act.

SECTION 10. CENTRAL VALLEY PROJECT TRANSFER ADVISORY COMMITTEE.

(a) Establishes the "Central Valley Project Transfer Advisory Committee" comprised of 16 State and Federal appointees.

(b) Directs the Transfer Advisory Committee to prepare a report to Congress and the President on all issues associated with transfer of the CVP to the State of California.

(c) Provides that committee will be co-chaired by State and Federal appointees.

(d) Applicability of Federal Advisory Committee Act.

(e) Requires Secretary to support activities of committee.

(f) Provides for meetings of the committee.

(g) Establishes December 31, 1993 deadline for submission of report and provides that committee will terminate 90 days after submission of report.

SECTION 11. AUTHORIZATION OF APPROPRIATIONS.

Authorizes appropriations of such sums as may be necessary to carry out provisions of the Act.

By Mr. MCCONNELL (for himself, Mr. MCCAIN, Mr. JEFFORDS, Mr. DURENBERGER, Mr. SYMMS, Mr. SPECTER, Mr. INOUE, and Mr. DASCHLE):

S. 486. A bill to require Federal departments, agencies, and instrumentalities to separate certain solid waste for recycling purposes; to the Committee on Governmental Affairs.

FEDERAL RECYCLING INCENTIVE ACT

• Mr. MCCONNELL. Mr. President, last year I introduced a bill that will help our efforts to address the growing environmental problems facing our Nation. I rise today to introduce the Federal Recycling Incentive Act once again, and I hope that this simple but important initiative will become law before the end of the year.

The environmental benefits of recycling are clear. Recycled aluminum

cans save 95 percent of the energy needed to extract aluminum from ore. Manufacturing paper from recycled fiber creates 74 percent less air pollution, and 35 percent less water pollution than using virgin fiber. Recycling waste conserves increasingly scarce landfill space at a time when tipping fees have risen nationally 73.5 percent between 1982 and 1988.

The Federal Government uses 2.2 percent of all the paper consumed in the United States. Two percent doesn't sound like much, but it amounted to more than 1.7 million tons of paper in 1987. Eighty-five percent of this paper is recyclable. But, according to the Washington Times, only 120 of the 6,000 Federal facilities nationwide had documented recycling programs in 1988.

Mr. President, Congress must not let the Federal Government continue to waste massive quantities of recyclable materials while it self-righteously points an accusatory finger toward American industry, blaming it for all of our environmental woes.

According to a 1989 General Accounting Office analysis, if the Federal Government recycled all of the paper it uses, it would save over 5 million cubic yards of landfill space, 3 million barrels of crude oil, and 26 million trees each year.

Although the Federal Government is already required by law to recycle, far too many Federal facilities are not complying. The reason these facilities don't comply with the current law is that they simply don't have an economic incentive to do so. They obtain no benefit from recycling, and no punishment for wasting.

Federal facilities must spend money separating garbage to be recycled, but when this separated material is sold, the revenue goes back into the abyss of the general fund of the Federal Government. Managers of Federal facilities see no direct link between their efforts to recycle and the financial returns that recycling produces. So the bureaucracy continues to waste, despite the clear economic benefits of recycling.

The Federal Recycling Incentive Act addresses this situation simply by allowing Federal facilities that recycle to keep the revenues derived from the sale of source separated paper, cans, and glass. It gives the managers of these facilities a real economic stake in recycling.

The Federal Recycling Incentive Act also requires the General Services Administration to compile a list each year of those Federal facilities that do not comply with recycling regulations currently on the books. This list will be printed in the Federal Register for everyone to see. If Federal bureaucrats are not obeying the law, they must be held accountable to the American public, just as we are on election day.

In 1989, the Federal Government received \$778,729 from the sale of source separated materials. By returning this money to participating Federal facilities, I am convinced that incremental costs of expanding the current Federal recycling program will be dwarfed by revenues generated from the expansion of recycling. Thus, I believe my legislation will lead to a net increase in revenues to the Federal Government. I have asked the Congressional Budget Office and the Office of Management and Budget to determine more precisely the amount of revenues that will be generated from this legislation.

Mr. President, this bill is not an elaborate scheme creating task forces and bureaucracies that we'll never hear from again—it's just plain common sense.

My approach addresses the environmental problems facing our Nation without producing the economic dislocations that often accompany other proposals. It's not often that legislation is introduced on this floor that will increase the revenues to the Federal Government, reduce the deficit, and, in the process, help save our Nation's natural resources. By providing market-oriented economic incentives to promote Federal Government recycling, I hope we can start a trend in this country toward well-balanced solutions to our serious environmental problems.■

By Mr. GLENN (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. MOYNIHAN, and Mr. ADAMS):

S. 487. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Finance.

MEDICARE BONE MASS MEASUREMENT COVERAGE ACT

Mr. GLENN. Mr. President, today I am introducing S. 487, the Medicare Bone Mass Measurement Coverage Act of 1991, which would provide Medicare reimbursement for bone mass measurement for individuals likely to suffer from osteoporosis. Joining me in introducing this bill are Senators AKAKA, LIEBERMAN, MOYNIHAN, and ADAMS.

Osteoporosis is a condition characterized by a gradual and initially painless decrease in the amount of bone tissue. It is the most common bone disease affecting older Americans, particularly older women. As osteoporosis progresses, the bones become weaker and more porous, which makes them increasingly susceptible to fractures. The condition can affect any bone in the body, but the most common fracture sites are the hip, spine and wrist.

The number of people afflicted with osteoporosis is overwhelming. Today, approximately 25 million Americans have some degree of osteoporosis. At least 1.3 million fractures a year—in-

cluding 250,000 hip fractures—are attributable to this condition. Beyond the tremendous emotional and physical toll, osteoporosis has greatly increased our health care bill, costing over \$10 billion annually in health care services and lost income.

Osteoporosis, with its associated fractures, is an enormous public health problem; and there is no doubt that the emotional physical and financial costs related to osteoporosis will continue to increase as our population ages. This could be ameliorated if individuals who are at the greatest risk of fracture were identified and treated to prevent further bone loss. The best method for identifying persons at risk of fracture is bone mass measurement.

S. 487, the Medicare Bone Mass Measurement Coverage Act of 1991, would define four of the most at-risk groups of individuals—estrogen-dependent women, individuals with vertebral abnormalities, individuals receiving long-term glucocorticoid steroid therapy, and individuals with primary hyperparathyroidism—who would then be eligible for Medicare reimbursement of procedures to determine whether or not they were at risk of developing fractures. Measurements would be done through the use of single and dual photon absorptiometry, dual energy x-ray absorptiometry, or quantitative computed tomography, and would include a physician's interpretation of the results of the procedure.

The purpose of this legislation is not only to provide Medicare reimbursement for bone mass measurement, but also to send a message to private insurers to provide reimbursement for individuals who are not Medicare-eligible. This is important since, ideally, women at risk of fractures due to osteoporosis should be measured before they reach age 65 and become eligible for Medicare. Preventing fractures would save money for Medicare and would reduce our Nation's expenditures for long-term care.

Mr. President, a study by leading epidemiologists for the National Osteoporosis Foundation estimated that Medicare costs for the coverage provided in the Medicare Bone Mass Measurement Coverage Act would range from \$5.6 million to \$11.2 million for each of the first 3 years. After about 5 years, Medicare savings would begin to accrue and are estimated to total between \$233 million—assuming a fracture reduction rate of 25 percent—and \$466 million—assuming a fracture reduction rate of 50 percent.

Osteoporosis presents a challenge to all of us. I urge my colleagues to support S. 487, to enable us to prevent some fractures and their associated costs—physical, emotional and financial—which can be so devastating for people with osteoporosis. I am hopeful that Congress will pass the Medicare Bone Mass Measurement Coverage Act,

as well as legislation I am introducing today with Senator GRASSLEY to increase Federal funding for research on osteoporosis.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Bone Mass Measurement Coverage Act of 1991".

SEC. 2. MEDICARE COVERAGE OF BONE MASS MEASUREMENTS.

Section 1861 of the Social Security Act (42 U.S.C. 1395x), as revived by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subsections (s)—

(A) in paragraph (11), by striking all that follows "(bb)" and inserting a semicolon,

(B) in paragraph (12)(C), by striking all that follows "area)" and inserting "; and", and

(C) by inserting after paragraph (12) the following new paragraph:

"(13) bone mass measurement (as defined in subsection (jj));"; and

(2) by inserting after subsection (ii) the following new subsection:

"(jj) 'BONE MASS MEASUREMENT'—

"(jj)(1) The term 'bone mass measurement' means a radiologic or radioisotopic procedure performed on a qualified individual (as defined in paragraph (2)) for the purpose of detecting bone loss through the use of a single and dual photon absorptiometry, dual energy x ray absorptiometry or similar dual energy techniques, or quantitative computed tomography, and includes a physician's interpretation of the results of the procedure.

"(2) For purposes of paragraph (1), the term 'qualified individual' means (in accordance with regulations prescribed by the Secretary)—

"(A) an estrogen-deficient woman at clinical risk for osteoporosis;

"(B) an individual with vertebral abnormalities;

"(C) an individual receiving long-term glucocorticoid steroid therapy; or

"(D) an individual with primary hyperparathyroidism."

By Mr. GRASSLEY (for himself, Mr. GLENN, Ms. MIKULSKI, Mr. AKAKA, Mr. HATFIELD, and Mr. REID):

S. 488. A bill to amend the Public Health Service Act to establish and coordinate research programs for osteoporosis and related bone disorders, and for other purposes; to the Committee on Labor and Human Resources.

OSTEOPOROSIS AND RELATED BONE DISORDERS RESEARCH, EDUCATION, AND HEALTH SERVICES ACT

Mr. GRASSLEY. Mr. President, today, with my colleagues Senators GLENN, MIKULSKI, AKAKA, HATFIELD, and REID, I am introducing a bill

which, if it becomes law, should improve the Federal Government's research effort on osteoporosis. I am introducing this legislation in anticipation of National Osteoporosis Week, May 12 through May 18. Representative OLYMPIA SNOWE, with whom I have collaborated in the development of this bill, will introduce it in the House of Representatives.

Osteoporosis is one of the major debilitating diseases of old age, affecting especially, but not only, older women. Investment in further research on osteoporosis will lead to greater understanding of the disease and, especially, how to prevent it and how to treat it once it has developed. Given that we face, in the not very distant future, great increases in the number of older people in our society, given that each generation of older people seems to have a higher incidence of osteoporosis, it is clear that we must find ways to reduce or eliminate this disease.

Osteoporosis is a condition, which develops in an individual over many years, characterized by weakening of bones which make those individuals susceptible to fractures of the hip, spine, and wrist.

Over an estimated 28 million Americans have this disease or related bone disorders. Many do not know that they have it until stress on the bones causes fractures. It is estimated that this condition is responsible for more than 1,300,000 bone fractures annually, including 250,000 hip fractures, 200,000 wrist fractures, and 500,000 vertebral fractures. Women have a 1 in 2 lifetime risk of developing fractures because of osteoporosis. For men the lifetime risk is 1 in 5.

This disease is an enormous burden for our older population and an enormous burden on our Nation. It is not unusual for those who fracture hips in old age to end up incapacitated and even in nursing homes. Only half of those who suffer hip fractures return to their previous level of activity once they have had a hip fracture, and they are very fortunate.

The direct medical costs of osteoporosis reached an estimated \$10 billion in 1988. This figure does not include the cost of family care or lost work for those, usually family members, who are caring for those with the disease.

I am introducing this bill in order to foster more research on this disease within the Federal Government. Currently, the funding for research on this disease at the National Institutes of Health is only a tiny fraction of its direct medical costs. The bill therefore authorizes additional funds for research on osteoporosis for the lead agency on the disease, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for the National Institute on Aging and the National Institute of Diabetes, Digestive and Kidney Diseases.

tive, and Kidney Diseases, which also conduct research on the disease. The bill also has several other provisions designed to help eventually eliminate this disease as a public health problem.

I can summarize the bill briefly. It authorizes:

An additional \$36 million for research on osteoporosis at the Arthritis Institute, an additional \$24 million for such research at the National Institute on Aging, and an additional \$2 million at NIDDK for fiscal years 1992 through 1994.

An interagency council on Osteoporosis and Related Bone Disorders within the Department of Health and Human Services for coordinating research and information and establishing mechanisms to use the results of research on osteoporosis and related bone disorders. An annual report is to be transmitted to Congress and the Secretary.

An advisory panel, comprised of non-Federal experts on the disease, to make recommendations for research and education and other health promotion activities, to the Congress and to the Department. The bill authorizes \$200,000 to defray the costs which will be incurred to enable the panel to meet and to conduct business for fiscal years 1992 through 1994.

A resource center on osteoporosis which will compile information on osteoporosis and disseminate it broadly to interested parties. This authority also provides for a hot-line telephone service to make appropriate information available to those who wish to have such information, such as those with the disease and their families, and professionals of various kinds working in the field. The bill authorizes \$500,000 for the first year of this activity, \$350,000 for fiscal year 1993, and \$400,000 for fiscal year 1994. The resource center is also authorized to charge appropriate fees to help defray the cost of providing materials, paying for postage, and running the telephone hotline.

Mr. President, there are many working in the field of osteoporosis who believe that we have it within our power to eliminate this disease as a public health problem. As a lay person, I am unable to say whether this is true. But it does seem to me that efforts to increase the research on osteoporosis and related disorders will help to reduce the burden created by this disease, and I hope that this bill will contribute to that end.

Mr. President, I ask unanimous consent that the text of this bill, and a summary of it, be printed in the RECORD after my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Osteoporosis and Related Bone Disorders Research, Education, and Health Services Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) osteoporosis, or porous bone, is a condition characterized by an excessive loss of bone tissue and an increased susceptibility to fractures of the hip, spine, and wrist;

(2) an estimated 25,000,000 Americans have osteoporosis, with many cases undiagnosed because the condition develops without symptoms until a strain, bump, or fall causes a fracture;

(3) between 3 and 4 million Americans have Paget's disease, Osteogenesis Imperfecta, and other related metabolic bone disorders;

(4) osteoporosis is responsible for 1,300,000 bone fractures annually, including more than 250,000 hip fractures, 500,000 vertebral fractures, 200,000 fractures of the wrist, and the remaining fractures at other limb sites;

(5) osteoporosis affects one-third to one-half of all postmenopausal women and nearly half of all people over age 75;

(6) direct medical costs of osteoporosis reached an estimated \$10,000,000,000 in 1988 for the United States, not including the costs of family care and lost work for caregivers;

(7) direct medical costs of osteoporosis are expected to increase precipitously because the proportion of the population comprised of older persons is expanding and each generation of older persons tends to have a higher incidence of osteoporosis than preceding generations;

(8) technology now exists, and new technology is developing, that will permit early diagnosis and prevention of osteoporosis as well as management of the condition once it has developed;

(9) funding for research on osteoporosis and related bone disorders is severely constrained at key research institutes, including the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes and Digestive and Kidney Diseases;

(10) further research is needed to improve medical knowledge concerning—

(A) cellular mechanisms related to the processes of bone resorption and bone formation, and the effect of different agents on bone remodeling;

(B) risk factors for osteoporosis, including newly discovered risk factors, risk factors related to groups not ordinarily studied, such as men and minorities, and the relationship of aging processes to the development of osteoporosis;

(C) bone mass measurement technology, including techniques for making faster and more precise measurements and for interpreting measurements;

(D) calcium, including bioavailability, intake requirements, and the role of calcium in building heavier and denser skeletons;

(E) prevention and treatment, including the efficacy of current therapies, alternative drug therapies for prevention and treatment, and the role of exercise; and

(F) rehabilitation; and

(11) further educational efforts are needed to increase public and professional knowledge of the causes of, methods for avoiding, and treatment of osteoporosis.

SEC. 3. OSTEOPOROSIS RESEARCH.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended—

(1) by inserting after the subpart heading the following new chapter heading:

"CHAPTER 1—ARTHRITIS";

and

(2) by adding at the end the following new chapter:

"CHAPTER 2—OSTEOPOROSIS

"SEC. 442A. DEFINITIONS.

"As used in this chapter:

"(1) ADVISORY PANEL.—The term 'Advisory Panel' means the Advisory Panel on Osteoporosis and Related Disorders, established in section 442D.

"(2) COUNCIL.—The term 'Council' means the Interagency Council on Osteoporosis and Related Disorders, established in section 442C.

"(3) DEPARTMENT.—The term 'Department' means the Department of Health and Human Services.

"(4) RELATED DISORDERS.—The term 'related bone disorders' includes—

"(A) Paget's disease, a bone disease characterized by enlargement and loss of density with bowing and deformity of the bones;

"(B) Osteogenesis Imperfecta, a familial disease marked by extreme brittleness of the long bones;

"(C) hyperparathyroidism, a condition characterized by the presence of excess parathormone in the body resulting in disturbance of calcium metabolism with loss of calcium from bone and renal damage;

"(D) hypoparathyroidism, a condition characterized by the absence of parathormone resulting in disturbances of calcium metabolism;

"(E) renal bone disease, a disease characterized by metabolic disturbances from dialysis, renal transplants, or other renal disturbances;

"(F) primary or postmenopausal osteoporosis and secondary osteoporosis, such as that induced by corticosteroids; and

"(G) other general disorders of bone and mineral metabolism including abnormalities of vitamin D.

"(5) RESOURCE CENTER.—The term 'Resource Center' means the Resource Center on Osteoporosis and Related Disorders, established in section 442E.

"SEC. 442B. EXPANSION OF RESEARCH ON OSTEOPOROSIS AND RELATED BONE DISORDERS.

"(a) RESEARCH.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the Director of the National Institute on Aging, and the Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall expand and intensify research on osteoporosis and related bone disorders. The research shall be in addition to research that is authorized under any other provision of law.

"(b) RESEARCH CENTERS.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall increase the number of Specialized Centers of Research devoted to research on osteoporosis and related bone disorders. The Director of the National Institute on Aging shall increase the number of program project grants devoted to creating centers of excellence in osteoporosis and related bone disorders. The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall increase the number of program projects grants in osteoporosis.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section \$36,000,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases, \$24,000,000 for the National Institute of Diabetes and Digestive and Kidney Diseases for each of the fiscal years 1992 through 1994, and such sums as may be necessary for subsequent fiscal years. These funds are in addition to amounts authorized to be appropriated for biomedical research relating to osteoporosis and related bone disorders under any other provision of law.

"SEC. 442C. INTERAGENCY COUNCIL ON OSTEOPOROSIS AND RELATED BONE DISORDERS.

"(a) **ESTABLISHMENT.**—There is established in the Department an Interagency Council on Osteoporosis and Related Disorders. The Council shall be composed of—

"(1) the Assistant Secretary for Health;

"(2) the Surgeon General of the United States;

"(3) the Assistant Secretary for Planning and Evaluation of the Department;

"(4) the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(5) the Director of the National Institute on Aging;

"(6) the Director of the National Institute of Diabetes, Digestive, and Kidney Diseases;

"(7) the Director of the National Institute of Mental Health;

"(8) the Director of the National Institute of Child Health and Human Development;

"(9) the Administrator of the Health Care Financing Administration;

"(10) the Administrator for Health Care Policy and Research;

"(11) the Director of the Bureau of Child and Maternal Health;

"(12) the Commissioner of Food and Drugs;

"(13) the Director of the National Institute of Dental Research;

"(14) the Commissioner on Aging;

"(15) the Director of the Office of Disease Prevention and Health Promotion; and

"(16) such additional members as the Secretary considers appropriate.

"(b) **FUNCTIONS.**—The Council shall—

"(1) coordinate research conducted by or through the Department on osteoporosis and related bone disorders;

"(2) establish a mechanism for sharing information on osteoporosis and related bone disorders among all officers and employees of the Department involved in carrying out programs serving older persons, midlife women, and young persons, in order to provide for full communication and exchange of information;

"(3) review and coordinate the most promising areas of research concerning osteoporosis and related bone disorders;

"(4) assist the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes, Digestive and Kidney Diseases, the National Institute on Dental Research, and other institutes in developing and coordinating plans for research on osteoporosis and related bone disorders;

"(5) assist the Office of Disease Prevention and Health Promotion and the Administration on Aging and other offices in developing and coordinating plans for education and health promotion on osteoporosis and related bone disorders; and

"(6) establish mechanisms to use the results of research concerning osteoporosis and related bone disorders in the development of policies, programs, and other measures to improve the quality of life for older Americans.

"(c) **CHAIRPERSON.**—The Secretary shall select a Chairperson or co-Chairpersons for the Council from among its members.

"(d) **QUORUM.**—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings.

"(e) **MEETINGS.**—The Council shall meet periodically at the call of the Chairperson, but not less than often than twice each year.

"(f) **EXECUTIVE SECRETARY.**—The Secretary shall appoint an Executive Secretary for the Council.

"(g) **ADMINISTRATIVE STAFF AND SUPPORT.**—The Secretary shall provide the Council with such additional administrative staff and support as may be necessary to enable the Council to carry out its functions.

"(h) **REPORTS.**—

"(1) **INITIAL REPORT.**—

"(A) **PREPARATION.**—Not later than 9 months after the date of enactment of this chapter, the Executive Secretary of the Council shall prepare a report detailing the research plans referred to in paragraphs (4) and (5) of subsection (b). The report shall describe the activities to be carried out under the research plans during each of the fiscal years 1992 through 1994.

"(B) **OTHER FEDERAL PROGRAMS.**—To the maximum extent feasible, the report shall ensure that activities carried out under the research plans are coordinated with, and use the resources of, other Federal programs concerning osteoporosis and related bone disorders, including—

"(i) centers supported by the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Diseases.

"(ii) other centers supported by Federal funds involved in research on osteoporosis and related bone disorders; and

"(iii) other programs concerning osteoporosis and related bone disorders that are planned or conducted by Federal agencies such as the Administration on Aging and the Office of Disease Prevention and Health Promotion, Federal agencies outside the Department, State or local agencies, community organizations, or private foundations.

"(C) **DISTRIBUTION.**—The Executive Secretary of the Council shall—

"(i) transmit the report to Congress; and

"(ii) make the report available to the public and to the Advisory Panel.

"(2) **SUBSEQUENT REPORTS.**—Not later than 12 months after the date on which the report required by paragraph (1) is transmitted to Congress, and annually thereafter, the Executive Secretary of the Council shall—

"(A) prepare a report that—

"(i) describes research and educational initiatives sponsored by the Federal Government on osteoporosis and related bone disorders; and

"(ii) makes recommendations for new research and educational initiatives on osteoporosis and related bone disorders; and

"(B) transmit the report to Congress and make the report available to the public.

"SEC. 442D. ADVISORY PANEL ON OSTEOPOROSIS AND RELATED DISORDERS.

"(a) **ESTABLISHMENT.**—There is established in the Department an Advisory Panel on Osteoporosis and Related Disorders. The Advisory Panel shall be composed of the following 15 voting members and additional nonvoting, ex officio members:

"(1) **VOTING MEMBERS.**—The Director of the Office of Technology Assessment shall appoint to the Advisory Panel—

"(A) 5 members who are biomedical research scientists with demonstrated achieve-

ment in biomedical research on osteoporosis and related bone disorders, including at least 1 researcher at a specialized center for research in osteoporosis;

"(B) 2 members with demonstrated achievements in research on community-based and family services covering osteoporosis and related bone disorders;

"(C) 1 member who is knowledgeable in health promotion and disease prevention programs concerning osteoporosis and related bone disorders;

"(D) 2 members who are associated with specialized bone programs affiliated with academic health centers;

"(E) 2 members who are experts in private health care insurance and long-term care financing; and

"(F) 3 members who are representatives of national voluntary organizations that are concerned with the problems of individuals with osteoporosis and related bone disorders and their families.

"(2) **NONVOTING, EX OFFICIO MEMBERS.**—The Advisory Panel shall include as nonvoting, ex officio members—

"(A) the Chairperson of the Council;

"(B) the Director of National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(C) the Director of the National Institute on Aging;

"(D) the Director of the National Institute of Diabetes and Digestive and Kidney Diseases; and

"(E) such other members as the Secretary may appoint.

"(3) **APPOINTMENT.**—The Director of the Office of Technology Assessment shall appoint members to the Advisory Panel within 90 days after the date of enactment of this Act. The Director shall not appoint to the Advisory Panel individuals who are officers or employees of the Federal Government.

"(b) **FUNCTIONS.**—The Advisory Panel shall advise the Secretary and Council with respect to the identification of—

"(1) research priorities for projects on osteoporosis, related bone disorders, and the care of individuals with osteoporosis or related bone disorders;

"(2) emerging issues in and promising areas of biomedical, clinical, and behavioral research on osteoporosis and related bone disorders;

"(3) emerging issues in research on health services for individuals, and the families of individuals, with osteoporosis or related bone disorders;

"(4) emerging issues in home-based and community-based services and systems of services for individuals, and the families of individuals, with osteoporosis or related bone disorders;

"(5) emerging issues in financing health care services and social services for individuals, and the families of individuals, with osteoporosis and related bone disorders;

"(6) emerging issues in health promotion programs concerning osteoporosis; and

"(7) emerging issues in professional and public education concerning osteoporosis.

"(c) **CHAIRPERSON.**—The Secretary shall appoint a Chairperson of the Advisory Panel from among the members appointed.

"(d) **TERM OF OFFICE.**—The term of a member of the Advisory Panel shall be for the life of the Advisory Panel. A vacancy on the Advisory Panel shall be filled in the same manner as the original appointment was made. A vacancy on the Advisory Panel shall not affect its powers.

"(e) **QUORUM.**—A majority of the members of the Advisory Panel appointed shall con-

stitute a quorum, but a lesser number may hold hearings. The Advisory Panel may establish such subcommittees as the Advisory Panel considers appropriate.

"(f) MEETINGS.—The Advisory Panel shall meet at the call of the Chairperson, but not less often than twice per year.

"(g) EXECUTIVE SECRETARY.—The Executive Secretary of the Council shall serve as Executive Secretary of the Advisory Panel.

"(h) STAFF AND SUPPORT.—The Secretary shall provide the Advisory Panel with such additional administrative staff and support as may be necessary to enable the Advisory Panel to carry out its functions.

"(i) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Subject to paragraph (2), no member of the Advisory Panel shall receive compensation for service on the Advisory Panel.

"(2) TRAVEL EXPENSES.—Each member of the Advisory Panel shall receive reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of duties of the Advisory Panel.

"(j) REPORT.—The Advisory Panel shall—

"(1) prepare an annual report, which shall contain recommendations for administrative and legislative actions to—

"(A) improve services, education, and information for individuals, and families of individuals, with osteoporosis and related bone disorders;

"(B) improve professional education; and

"(C) provide for promising biomedical research related to osteoporosis and related bone disorders; and

"(2) transmit the annual report to the Congress, the Secretary, and the Council and make it available to the public.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$200,000 for each of fiscal years 1992 through 1994.

"SEC. 442E. RESOURCE CENTER ON OSTEOPOROSIS AND RELATED DISORDERS.

"(a) ESTABLISHMENT.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall make grants or enter into contracts with eligible organizations to establish a Resource Center on Osteoporosis and Related Disorders.

"(b) PURPOSE.—The purpose of the Resource Center shall be to facilitate and enhance knowledge and understanding of osteoporosis and related bone disorders by disseminating information about research results, services and educational materials, to health professionals, patients, and the public.

"(c) FUNCTIONS.—An organization receiving a grant or contract under this section shall—

"(1) compile, archive, and disseminate information concerning research, demonstration, evaluation, and training programs and projects concerning osteoporosis and related bone disorders;

"(2) annually publish a summary of the information compiled under paragraph (1) during the preceding 12-month period, and make the information available on request to appropriate individuals and entities, including educational institutions, research entities, and Federal and public agencies;

"(3) provide information and assistance in accessing community services to patients and the public;

"(4) coordinate regional training programs for the development of health professional resource networks on osteoporosis and related bone disorders; and

"(5) maintain a resource library on osteoporosis and related bone disorders.

"(d) INFORMATION SYSTEM AND TELEPHONE LINE.—

"(1) INFORMATION SYSTEM.—An organization receiving a grant or contract under this section shall establish a central computerized information system to—

"(A) compile and disseminate information concerning initiatives by State and local governments and private entities to provide programs and services for individuals with osteoporosis; and

"(B) translate scientific and technical information concerning the initiatives into information readily understandable by the general public, and make the information available on request.

"(2) TELEPHONE LINE.—An organization receiving a grant or contract under this section shall establish a national toll-free telephone line to make available the information described in paragraph (1) and information concerning Federal programs, services, and benefits for individuals with osteoporosis and their families.

"(e) FEES.—In accordance with regulations issued by the Secretary, the organization receiving a grant or contract under this section shall charge appropriate fees for providing information through the Research Center as specified in subsections (c) or (d). The organization may make exceptions to the fees for individuals and organizations who are not financially able to pay the fees. The organization shall transfer the sums obtained from payment of the fees to the Secretary, who shall use the sums to carry out this section.

"(f) APPLICATION OR PROPOSAL.—In order to receive a grant or enter into a contract under this section, an organization shall submit an application or proposal to the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases. The application or proposal shall contain—

"(1) information demonstrating that the organization has a network of contacts that will enable the organization to receive information necessary to operate the central computerized information system described in subsection (d)(1); and

"(2) such other information as the Director may prescribe.

"(g) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive grants under this section shall include public and private nonprofit organizations that are knowledgeable about osteoporosis and related bone disorders. The Secretary shall establish additional eligibility criteria for organizations to receive grants or enter into contracts under this section.

"(h) RESEARCH SUMMARIES.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes, Digestive, and Kidney Diseases, the National Institute on Dental Research, and other agencies specified by the Secretary shall provide to the Resource Center summaries of the findings of research conducted on osteoporosis, related bone disorders, or relevant treatments for osteoporosis or related bone disorders.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994."

By Mr. HATCH:

S. 489. A bill to provide grants to States to encourage States to improve their systems for compensating individuals injured in the course of the pro-

vision of health care services, to establish uniform criteria for awarding damages in health care malpractice actions, and for other purposes; to the Committee on Labor and Human Resources.

ENSURING ACCESS THROUGH MEDICAL LIABILITY REFORM ACT

Mr. HATCH. Mr. President, I am pleased to introduce, with my colleague from Vermont, legislation entitled "Ensuring Access Through Medical Liability Reform Act of 1991." My House colleague, Representative NANCY JOHNSON, has recently introduced similar legislation. One of the major problems with our health care system is medical liability. Not only are we paying about \$7 billion each year in direct medical liability costs, but we are also paying billions each year for unnecessary defensive medicine that is the result of the fear of litigation. There are many Americans who have a difficult time gaining recovery even when there is medical care negligence.

While some years have been worse than others, we have had a medical malpractice crisis on our hands for the last decade. We know that it is a crisis; there are 900 new malpractice lawsuits every day. The average award for cases amounts at a minimum to \$300,000.

This crisis is not only affecting the cost but also the quality and availability of health care. Physicians are refusing to do high risk procedures and to accept high risk patients. They have stopped delivering babies because of liability concerns. Women today do not have to worry merely about finding affordable pregnancy-related care; they have to worry about finding care at all. For example, in Utah, more than half of the general and family practitioners have quit delivering babies. Expectant mothers from our rural areas and small communities must often travel an extra 100 to 150 miles for care. This legislation is an access to health care legislation.

The time has come to stop debating whether there is a medical liability problem. It is time to admit that medical liability has had a decidedly negative impact on American's access to quality health care. Instead, we must move forward to enact solutions.

In the past, I believe that medical liability reform should be addressed by the States. Today, however, the Federal Government pays between 40 and 50 percent of the health care costs in this country. The taxpayers deserve our attention to this major cause of rising health care costs. If we could save just part of the resources that are wasted because of the medical liability problem, we could begin to remedy this country's health care access problem without raising taxes, mandating health insurance, or adopting other forms of national health insurance that would limit individual choices.

The legislation I am introducing today builds on legislation I introduced last session. It was developed with the help of a broad coalition representing health care provider organizations, the business community, health insurers, and other groups. This coalition came together at my request, and I am grateful to them for their efforts. In particular, I want to thank Kathy Bryant from the American College of Obstetrics and Gynecology for her capable counsel.

The bill does not protect those who commit malpractice. I am not interested in providing a screen for incompetent doctors to hide behind. The bottom line of this legislation is that no child, no pregnant woman, no accident victim, and no senior citizen should be denied health care merely because we have not found a way to protect honest and skilled health care professionals from the threat of malpractice.

Today, medical liability is rooting out good practitioners and driving up costs for everyone. It is adversely affecting American's access to quality and affordable health care. The measure I am introducing is important because it restores the balance between the need to provide civil recourse for consumers with the increasing need to get a handle on the unnecessary and wasteful costs of defensive medicine and to ensure access to health care for all Americans.

I urge my colleagues to support this legislation. I ask unanimous request that the complete text of the legislation as well as a summary of the bill be included in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Access Through Medical Liability Reform Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) in recent years, there has been increasing and widespread public and professional concern about the problems associated with health care malpractice actions, and such concern has focused primarily on the issues of—

(A) the reduction in access of patients to quality health care as a result of these problems;

(B) the increasing portion of health care costs attributable to defensive health care practices and the costs of health care liability insurance premiums;

(C) the ability of health care professionals to continue to practice in high risk areas of health care treatment;

(D) the inefficiency of the civil judicial system in providing access to the courts and fair compensation for individuals injured by health care malpractice and in deterring such malpractice; and

(E) the inefficiency of State disciplinary systems in restricting the activities of

health care professionals who endanger patient safety;

(2) all health care consumers are adversely affected, directly or indirectly, by the effect that the problems associated with health care malpractice actions have on the availability and affordability of health care services;

(3) regardless of whether the solution to the problems associated with health care malpractice actions is the responsibility of public or private sectors, or a combination of these, the Federal Government has a major interest in these problems as a direct provider of health care to many Americans through the Public Health Service, and as a source of payment for the health care of a much larger number of Americans through medicare, medicaid and other programs;

(4) health care liability issues have created tensions among the professions of law and medicine, the insurance industry, and consumers of health care services, and these tensions have impeded the development and implementation of solutions;

(5) the civil judicial system is a costly and inefficient mechanism for resolving claims of health care malpractice and compensating injured patients, a disproportionately large percentage of dollars spent to compensate patients for health care malpractice is distributed to a few patients, while adequate compensation is not provided to most patients injured by health care malpractice, and far too little of the amounts paid by health care professionals and health care providers for liability insurance premiums is received by injured patients;

(6) California's reform of medical liability tort law has demonstrated that modification of existing tort law governing health care malpractice actions can bring stability and predictability with respect to the size of awards and slow the increase of health care liability insurance premiums;

(7) the Department of Health and Human Services' 1987 Task Force on Medical Liability and Malpractice was correct in recommending that the Federal Government and State governments explore, through research and demonstration projects, alternative dispute resolution mechanisms that have the potential for resolving health care malpractice claims more fairly and cost-effectively than the current civil judicial system, for promoting patient safety, and for deterring health care malpractice; and

(8) a variety of proposals to solve the problems of health care liability and health care malpractice can be implemented, studied and evaluated by using the States as laboratories in which to develop and explore various alternative dispute resolution systems.

(b) PURPOSE.—It is the purpose of this Act to—

(1) improve the quality of health care through the deterrence of avoidable injuries and the detection of health care providers and health care professionals who commit health care malpractice or otherwise endanger patient safety;

(2) improve the availability of health care services in cases in which health care malpractice actions have been shown to be a major factor in the decreased availability of services;

(3) expeditiously identify patients eligible to receive compensation for injuries and deliver such compensation more quickly and more efficiently than the civil judicial system; and

(4) improve the fairness and cost-effectiveness of the State system to resolve disputes over, and provide compensation for, health

care malpractice by reducing uncertainty and unpredictability in the amount of compensation provided to injured individuals.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM.—The term "alternative dispute resolution system" means a system that—

(A) is enacted or adopted by a State to resolve health care malpractice claims other than through a health care malpractice action;

(B) applies to one or more types of injuries resulting from health care malpractice;

(C) applies to one or more political subdivisions of a State or to the entire State; and

(D) meets the requirements of section 102.

(2) ARBITRATION.—The term "arbitration" means a dispute resolution process in which the parties submit the dispute outside of a State or Federal civil justice system for resolution by a person or panel of persons.

(3) ECONOMIC LOSSES.—The term "economic losses" means losses for hospital and medical expenses, lost wages, lost employment, and other pecuniary losses.

(4) HEALTH CARE MALPRACTICE ACTION.—The term "health care malpractice action" means a civil action alleging a health care malpractice claim against a health care provider or health care professional.

(5) HEALTH CARE MALPRACTICE CLAIM.—The term "health care malpractice claim" means any claim relating to the provision of (or the failure to provide) health care services based on negligence or gross negligence, breach of express or implied warranty or contract, or failure to discharge a duty to warn or instruct to obtain consent.

(6) HEALTH CARE PROFESSIONAL.—The term "health care professional" means any individual who provides health care services in a State and who is required by State law or regulation to be licensed or certified by the State to provide such services in the State, including (but not limited to) a physician, nurse, chiropractor, nurse midwife, physical therapist, social worker, or physician assistant.

(7) HEALTH CARE PROVIDER.—The term "health care provider" means any organization or institution that is engaged in the delivery of health care services in a State and that is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State.

(8) INJURY.—The term "injury" means any injury, illness, disease, or other harm that is the subject of a health care malpractice claim.

(9) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, and other nonpecuniary losses.

(10) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(11) STATE.—Except as otherwise provided in this Act, the term "State" means each of the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

TITLE I—GRANT PROGRAMS

Subtitle A—Implementation of Alternative Dispute Resolution Systems

SEC. 101. INCENTIVE GRANTS.

(a) IN GENERAL.—The Secretary shall make grants to States from amounts appropriated and available under section 123(a)(1) for the development or implementation of alternative dispute resolution systems, under

such terms as the Secretary may require. A State shall use a grant made under this section to develop or implement, and evaluate the effectiveness of such a system.

(b) **OPTION TO REFUSE GRANT.**—Not later than 90 days after the Secretary makes a grant under this section to a State, that State may send notice to the Secretary that it refuses the grant. At the time the State sends such notice, the State shall return any amounts paid to it under such grant to the Secretary.

(c) **AMOUNT OF GRANT.**—

(1) **IN GENERAL.**—The amount of a grant made to each State under this section shall be equal to $\frac{1}{2}$ of the amount appropriated and available under section 123(a)(1).

(2) **DEFINITION OF STATE.**—For purposes of this section, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands shall be considered as a single State.

(d) **REPORTS ON COMPLIANCE.**—

(1) **SUBMISSION OF REPORTS.**—Each State shall annually submit a report to the Secretary containing such information as the Secretary may require to determine whether the State is in compliance with the terms of the grant made under this section.

(2) **DETERMINATION OF NONCOMPLIANCE.**—If, after reviewing the report submitted under paragraph (1), the Secretary determines that a State receiving a grant under this section is not in compliance with the terms of the grant, the Secretary shall provide the State with written notice of such determination. Such notice shall specify—

(A) the reasons for the determination of the Secretary;

(B) that the Secretary will require the State, not later than 60 days after receipt of such notice, to return all funds provided to the State under the grant, unless the State—

(i) takes such corrective action as may be necessary to ensure that the State is in compliance with the terms of the grant; or

(ii) requests a hearing under subparagraph (C); and

(C) that the State may request a hearing on the record before an administrative law judge under section 554 of title 5, United States Code, concerning the allegations set forth in the notice.

SEC. 102. ALTERNATIVE DISPUTE RESOLUTION SYSTEMS DESCRIBED.

(a) **IN GENERAL.**—An alternative dispute resolution system meets the requirements of this section if the system—

(1) is a system described in subsection (b), (c), (d), (e), or (f); and

(2) provides for the resolution of health care malpractice claims in a manner other than through health care malpractice actions for all individuals receiving health care services in the State.

(b) **FAULT-BASED ADMINISTRATIVE SYSTEMS.**—

(1) **ESTABLISHMENT.**—A State may establish an administrative process within the State government for the resolution of health care malpractice claims. Under such process, an individual alleging an injury (or the parent or guardian of such an individual) shall be required to file a claim with the State administrative process. The process shall provide for the dismissal of nonmeritorious claims and shall provide for the award of damages when an injury is found to have been caused by health care malpractice.

(2) **REQUIREMENTS.**—The administrative process established under paragraph (1) shall provide for—

(A) an expedited review of all claims filed;

(B) a procedure for early dismissal of claims when the expedited review process

does not support a finding of possible liability;

(C) the opportunity for claim investigation and a meaningful hearing on claims with possible merit before an administrative officer or panel; and

(D) the opportunity for review of the initial decision within the administrative process.

(3) **JUDICIAL REVIEW.**—Any judicial review of the final administrative decision on a claim under the process established under paragraph (1) shall be limited in order to avoid duplication of the administrative process in the courts. The State shall provide that—

(A) judicial review of the final administrative decision may not extend to de novo consideration of the underlying facts of a claim resolved under the administrative process; and

(B) if a court determines that an issue of fact requires resolution, the court must remand to the State agency which conducted the administrative process for resolution of the issue.

(4) **PROCEDURES FOR FILING.**—The administrative process established under paragraph (1) shall include a simplified process for filing claims.

(5) **COORDINATION OF PROCEDURES.**—The State shall establish procedures—

(A) to ensure that the process referred to in paragraph (1) is coordinated with or monitored by the health care provider and health care professional licensing and disciplinary authorities of the State; and

(B) for the routine referral to such authorities of findings and decisions under the process that indicate that health care malpractice occurred.

(6) **PAYMENTS; LEGAL ASSISTANCE.**—Under the administrative process established under paragraph (1), payment may be made for economic losses and noneconomic losses. The State shall establish a formula or guidelines for the calculation of payments for noneconomic losses, and section 201(a) shall apply to claims resolved under the process. In order to ensure access to affordable legal representation for individuals filing claims under the process, the State may establish programs offering legal assistance to such individuals.

(7) **EXPERTS.**—The State shall empower any administrative hearing officer or panel used in the administrative process established under paragraph (1) to call independent experts not retained by a party to give evidence. The State shall provide that if called, experts are subject to cross-examination by all parties.

(c) **DEFINED CATASTROPHIC INJURY COMPENSATION SYSTEMS.**—

(1) **ESTABLISHMENT.**—A State may establish a system under which the State establishes a compensation fund to compensate all individuals who incur a certain injury (as defined by the State) in the course of receiving health care services. The State shall provide that if an individual incurs such an injury, the individual may only receive compensation for such injury by filing a claim with the State for compensation from such fund, and that such individual may not file a health care malpractice action in any State or Federal court for damages resulting from such injury.

(2) **PROCEDURES FOR FILING.**—The State shall establish procedures for an individual to file a compensation claim for the defined injury under paragraph (1). No payment may be made from the fund for an individual unless such individual (or the patient or guard-

ian of such individual) complies with such procedures.

(3) **REQUIREMENT OF PROCEDURES; DEADLINE FOR DETERMINATIONS.**—The State shall ensure that the procedures under paragraph (2) allow an individual to file and pursue a claim without the assistance of counsel or to retain counsel if the individual chooses. The State shall make a final determination on a claim not later than 6 months after the date on which the claim is filed.

(4) **PAYMENTS.**—The State shall make payments from the compensation fund under paragraph (1) for economic losses, and section 201(a)(3) shall apply to payments for economic losses from the compensation fund. The State may make payments for future economic losses as such losses are incurred, or may make such payments in a lump-sum amount. The State may elect to pay injured individuals for noneconomic losses from the compensation fund according to a schedule established by the State.

(5) **FUNDING.**—The State may require that funding for the compensation fund under paragraph (1) be paid by health care providers and professionals that engage in the health care treatment or procedure which results in the injury covered by the fund. The State may establish requirements for additional sources of payments into the fund, including patient contributions or contributions made by employees covered by health care insurance plans, and, if appropriate, may establish procedures for employers to pay for contributions of employees.

(6) **REVIEW.**—The State shall establish a quality review mechanism to review claims filed with the fund established under paragraph (1) and identify instances of health care malpractice. The State shall provide for the routine referral under the quality review mechanism to health care provider and health care professional licensing and disciplinary authorities of the State of findings that indicate that health care malpractice occurred.

(d) **EARLY OFFER AND RECOVERY MECHANISMS.**—

(1) **ESTABLISHMENT.**—The State may establish a system under which health care providers and professionals have the option to offer, within a specified time period after an injury or (in certain circumstances determined by the State) after the initiation of a health care malpractice action, to compensate an individual for economic losses in accordance with this subsection.

(2) **INCLUSION OF OTHER PROVIDERS OR PROFESSIONALS.**—Under the system established under paragraph (1), an offer may include other health care providers or professionals who were involved in the provision of health care services, with their consent.

(3) **DETERMINATION OF LOSSES.**—Section 201(a)(3) shall apply to the determination of an individual's economic losses for purposes of the system established under paragraph (1). Future economic losses shall be payable to the individual as they occur, or may be payable in a lump-sum amount.

(4) **ARBITRATION.**—If, after an offer is made under the system established under paragraph (1), the individual alleging an injury disputes the amount of the economic losses for which the offerors propose to provide compensation, or the participants dispute the relative contributions of the health care providers or professionals to the payments to be made to the individual, such disputes shall be resolved by binding arbitration in accordance with rules and procedures established by the State.

(5) **ACTION ON RECEIPT OF OFFER.**—

(A) IN GENERAL.—If an individual—
 (i) receives an offer under this subsection;
 (ii) rejects such offer after all issues with respect to the amount of economic losses suffered by such person have been resolved under paragraph (4) or refuses to participate in arbitration under such paragraph; and
 (iii) initiates a health care malpractice action against one or more persons who made such offer,

the provisions of subparagraph (B) shall apply to such health care malpractice action.

(B) BURDEN OF PROOF AND DAMAGES.—In any health care malpractice action to which subparagraph (A) applies—

(i) the plaintiff may only prevail if the plaintiff has proven each element of his or her case beyond a reasonable doubt;

(ii) with respect to claims of negligence, the plaintiff must establish that a defendant was grossly negligent; and

(iii) the amount of damages for non-economic losses which a plaintiff may recover with respect to an injury shall not exceed \$150,000.

(e) BINDING ARBITRATION.—

(1) ESTABLISHMENT.—The State may establish a system under which—

(A) prior to treatment, health care providers and professionals may offer their patients an opportunity to enter into an agreement to arbitrate any health care malpractice claims relating to such treatment; or

(B) each individual receiving health care services in the State and the health care providers and professionals providing such services shall be deemed to have entered into an agreement to arbitrate any health care malpractice claims relating to such services.

(2) LIMITATIONS.—An individual's consent to an agreement to arbitrate under the system established under paragraph (1)(A) may not be a prerequisite to the provision of health care services. Neither of the systems established under paragraph (1) shall apply to a contract for binding arbitration between a health care entity which agrees to provide comprehensive medical care to voluntarily enrolled patients for a predetermined annual fee and its patients or members.

(3) REVOCATION.—An arbitration agreement under the system established under paragraph (1)(A) may be revoked by the patient not later than 15 days after the date on which the patient signs the agreement, except that the patient may not revoke the agreement after the health care services were provided. The health care provider or professional may not revoke the agreement to arbitrate. The agreement shall be binding as to any cause of action that accrues prior to revocation of the agreement.

(4) PROHIBITION ON MALPRACTICE ACTIONS.—No health care malpractice action may be brought with respect to an alleged injury if an arbitration agreement under a system established under paragraph (1) with respect to such injury is in effect at the time of such injury. Section 201(a) shall apply to claims resolved through the systems established under paragraph (1).

(5) REQUIREMENTS.—Each arbitration agreement entered into under the system established under paragraph (1)(A) must include, in boldfaced print, a notice that—

(A) by signing the agreement, the patient is waiving the right to the initiation or hearing of a health care malpractice action;

(B) the patient may revoke the arbitration agreement not later than 15 days after the date on which the patient signs the agreement, except that the patient may not re-

voke the agreement after health care services are provided; and

(C) signature of the agreement by the patient cannot be required by the health care provider or health care professional as a prerequisite to the provision of health care services.

(6) ARBITRATION PANELS.—Each arbitration conducted under the systems established under paragraph (1) shall be conducted by an arbitration panel consisting of three arbiters. One arbiter shall be chosen by the individual alleging the health care malpractice claim. One arbiter shall be chosen jointly by all health care providers and health care professionals who are parties to the agreement to arbitrate. The third arbiter, who shall chair the panel, shall be chosen by the other two arbiters.

(7) APPEALS TO STATE COURT.—

(A) IN GENERAL.—A party participating in an arbitration under the systems established under paragraph (1) may file an appeal with the court of appropriate jurisdiction of the State (as determined under State law) to vacate the decision of the panel if the party files a motion to appeal not later than 60 days after the panel renders its decision.

(B) STANDARD OF REVIEW.—A court reviewing the decision of a panel arbitrating a claim may not vacate the panel's decision unless it determines that the decision was arbitrary or capricious.

(f) STATE-INITIATED ALTERNATIVE.—For purposes of subsection (a)(1), if a State proposes to establish or has established an alternative dispute resolution system that does not meet the requirements of subsection (b), (c), (d), or (e), the system shall be deemed to be a system described in one of those subsections if the Secretary determines that the system would accomplish the purposes of this Act described in section 2(b) and meets the requirements of section 201(a).

Subtitle B—Other Grant Programs

SEC. 111. RESEARCH GRANTS.

(a) IN GENERAL.—The Secretary shall make grants to States and to private nonprofit organizations located in a State from amounts appropriated and available under section 123(a)(2) for the conduct of basic research in the prevention of and compensation for injuries resulting from health care professional or health care provider malpractice, and research of the outcomes of health care procedures. In making such grants, the Secretary shall give particular consideration to applications for research on the behavior of health care providers and health care professionals in carrying out their professional duties and of other participants in systems for compensating individuals injured by health care malpractice, the effects of financial and other incentives on such behavior, the determinants of compensation system outcomes, and the costs and benefits of alternative compensation policy options.

(b) APPLICATION.—The Secretary may not make a grant under this section unless an applicant submits an application to the Secretary at such time, in such form, in such manner, and containing such information as the Secretary may require.

(c) AMOUNT OF GRANTS.—The amount of a grant made to a State under this section shall be determined by the Secretary.

SEC. 112. DISCIPLINARY AND EDUCATIONAL GRANTS.

(a) IN GENERAL.—The Secretary shall make grants to States from amounts appropriated and available under section 123(a)(3) to assist States in improving the State's ability to license and discipline health care professionals. A State may use a grant awarded

under this subsection to develop and implement improved mechanisms for monitoring the practices of health care professionals or for conducting disciplinary activities.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in evaluating their medical practice acts and procedures and to encourage the use of efficient and effective early warning systems and other mechanisms for detecting practices which endanger patient safety and for disciplining health care professionals.

(c) EDUCATION.—The Secretary shall make grants to States and to local governments and private nonprofit organizations located in a State from amounts appropriated under section 123(a)(3) for—

(1) educating the general public about the appropriate use of health care and realistic expectations of medical intervention;

(2) educating the public about the resources and role of health care professional licensing and disciplinary boards in investigating claims of incompetence or health care malpractice; and

(3) developing programs of faculty training and curricula for educating health care professionals in quality assurance, risk management, and medical injury prevention.

(d) APPLICATIONS.—The Secretary may not make a grant under subsection (a) or (c) unless the applicant submits an application to the Secretary at such time, in such form, in such manner, and containing such information as the Secretary shall require.

(e) AMOUNT OF GRANTS.—The amount of a grant made to a State under this section shall be determined by the Secretary.

Subtitle C—Administrative Provisions

SEC. 121. ADMINISTRATIVE PROVISIONS.

(a) INCENTIVE GRANTS.—

(1) IN GENERAL.—If amounts appropriated for grants under section 123(a) remain available because—

(A) a State has notified the Secretary that it refuses the grant made to such State under section 101, or has not submitted an application for a grant under subtitle B;

(B) a State has notified the Secretary that it does not intend to use the full amount of a grant awarded to such State under this title; or

(C) the amount paid to a State or to an entity located in a State under a grant under this title is reduced, offset, or repaid under subsection (c); the Secretary shall make supplemental grants to States, to the extent such amounts are available, for the implementation of alternative dispute resolution systems. A grant received by a State under this subsection shall be used by the State to further implement and evaluate the effectiveness of such a system.

(2) APPLICATION.—No grant may be made under this subsection unless an application is submitted to the Secretary. Any such application shall—

(A) be submitted to the Secretary within 6 months after the notification of availability of funds by the Secretary;

(B) contain a certification by the chief executive officer of the State that, on the date the application is submitted, the State has enacted, adopted, or otherwise has in effect an alternative dispute resolution system;

(C) be accompanied by documentation to support the certification required by subparagraph (B), including copies of relevant State statutes, rules, procedures, regulations, judicial decisions, and opinions of the State attorney general;

(D) contain a proposal for the time period for which the grant will be made and for which the provisions of paragraph (5) will apply to the grant;

(E) contain a plan for the evaluation of the alternative dispute resolution system, which shall include—

(i) a statement of the objectives of such system;

(ii) an identification of performance and outcome indicators related to such objectives;

(iii) a description of accounting and recordkeeping procedures designed to collect data on the alternative dispute resolution system which are related to such indicators;

(iv) a description of the manner in which the evaluation will determine whether the alternative dispute resolution system achieves one or more of the purposes of this Act described in section 2(b);

(v) an estimate of the costs of the evaluation; and

(vi) a time frame for the completion of the evaluation; and

(F) contain such other information, be in such form, and be submitted in such manner, as the Secretary may require.

(3) REVIEW OF APPLICATIONS.—

(A) IN GENERAL.—Within 90 days after receiving an application under paragraph (2), the Secretary shall review the application and determine whether the application demonstrates that the State has enacted, adopted, or otherwise has in effect an alternative dispute resolution system. If the Secretary determines that the application makes such a demonstration, the Secretary shall approve the application. In approving an application under this section, the Secretary shall determine the time period for which the grant is made and for which the provisions of paragraph (5) shall apply to such grant.

(B) INSUFFICIENT APPLICATION.—If, after reviewing an application under subparagraph (A), the Secretary determines that the application does not make the demonstration required under such subparagraph, the Secretary shall, within 15 days after making such determination, provide the State which submitted such application with a written notice which specifies such determination and which contains recommendations for revisions which would cause the application of the State to be approved. The State has 90 days from the time of the written notice to submit a revised application to the Secretary. The revised application shall be treated as an application under paragraph (2), except that the Secretary must review and make the determination required by subparagraph (A) within 60 days.

(4) GRANT AMOUNT.—

(A) IN GENERAL.—Within 30 days after approving an application of a State under paragraph (3), the Secretary shall pay to the State a grant in the amount determined under paragraph (1) or (2), as the case may be.

(B) DETERMINATION.—The amount of a grant made under this section to a State shall be an amount equal to 75 percent of an amount which the Secretary finds reasonable and necessary for the further implementation and evaluation of the alternative dispute resolution system of the State.

(5) NONCOMPLIANCE.—If, during the applicable time period determined by the Secretary under paragraph (3)(A), the Secretary determines that the State does not have in effect the alternative dispute resolution system for which the application was approved, the Secretary shall provide the State with written notice of such determination. Such notice shall specify—

(A) the reasons for the determination of the Secretary;

(B) that the Secretary will require the State, within 60 days after receipt of such notice, to return all funds provided to the State under the grant which have not been expended by the State at the time such notice is received unless the State—

(i) takes such corrective action as may be necessary to ensure that such alternative dispute resolution system is in effect in the State; or

(ii) requests a hearing under subparagraph (C); and

(C) that the State may request a hearing on the record before an administrative law judge under section 554 of title 5, United States Code, concerning the allegations set forth in the notice.

(b) SCHEDULE OF PAYMENTS.—The Secretary may make payments for grants awarded under this title in advance, on the basis of estimates, or by reimbursement (with necessary adjustments because of underpayments or overpayments), and in such installments and on such terms and conditions as the Secretary determines necessary to carry out the purposes of such grants.

(c) REDUCTIONS FOR EXPENSES OF SUPPLIES, EQUIPMENT, AND EMPLOYEE DETAIL.—The Secretary may reduce the amount of such a grant by—

(1) the fair market value of any supplies or equipment furnished to the recipient by the Secretary;

(2) the amount of pay, allowances, and travel expenses incurred by any officer or employee of the Federal Government when such officer or employee has been detailed to the recipient; and

(3) the amount of any other costs incurred in connection with the detail of an officer or employee as described in subparagraph (B), when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience, and at the request, of such recipient and for the purpose of carrying out activities under the grant.

(d) RECORDS.—Each recipient of a grant under this title shall keep such records as the Secretary determines appropriate, including records that fully disclose—

(1) the amount and disposition by such recipient of the proceeds of such grant;

(2) the total cost of the activity for which such grant was made;

(3) the amount of the cost of the activity for which such grant was made that has been received from other sources; and

(4) such other records as will facilitate an effective audit.

(e) AUDIT AND EXAMINATION OF RECORDS.—The Secretary and the Comptroller General shall have access to any books, documents, papers, and records of the recipient of a grant under this title, for the purpose of conducting audits and examinations of such recipient that are pertinent to such grant.

(f) MAINTENANCE OF EFFORT.—Each recipient of a grant under this title shall use the grant to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of grant be made available for the programs and activities for which funds are provided under this title. In no event shall a recipient of a grant under this title use the grant to supplant such State, local, and other non-Federal funds.

SEC. 122. REPORTS ON GRANT PROGRAMS.

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, each recipient of a grant under this title during any such 2-year period shall prepare and submit to the Secretary a report

which describes the activities conducted by the recipient with any grants received under this title during the preceding 2-year period and provides the Secretary with appropriate information to enable the Secretary to report on the matters described in section 204.

SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for grants under this title a total of \$310,000,000 for fiscal years 1992 through 1994, of which—

(1) not more than 90 percent shall be made available for incentive grants under section 101;

(2) not more than 3 percent shall be made available for research grants under section 111; and

(3) not more than 7 percent shall be made available for disciplinary grants under section 112.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated for grants under this title shall remain available until expended, except that amounts appropriated and available for incentive grants under section 101 shall remain available from October 1, 1991, to September 30, 1996.

TITLE II—HEALTH CARE MALPRACTICE DISPUTE REFORM

SEC. 201. FEDERAL REFORM OF CIVIL ACTIONS.

(a) IN GENERAL.—

(1) APPLICABILITY.—This subsection shall govern any health care malpractice action brought in any Federal or State court and any health care malpractice claim resolved through arbitration, except that paragraph (6) shall not apply to any action for damages arising from a vaccine-related injury or death for which a petition was filed under section 2111 of the Public Health Service Act.

(2) PAYMENTS.—No person may be required to pay more than \$100,000 in a single payment for future losses, but such person shall be permitted to make such payments on a periodic basis. The periods for such payments shall be determined by the court, based upon projections of such future losses.

(3) DAMAGES.—

(A) REDUCTIONS.—The total amount of damages received by an individual shall be reduced, in accordance with subparagraph (B), by any other payment which has been made or which will be made to such individual to compensate such individual for an injury, including payments under—

(i) Federal or State disability or sickness programs;

(ii) Federal, State, or private health insurance programs;

(iii) private disability insurance programs;

(iv) employer wage continuation programs; and

(v) any other source of payment intended to compensate such individual for such injury.

(B) AMOUNT OF REDUCTION.—The amount by which an award of damages to an individual for an injury shall be reduced under subparagraph (A) shall be—

(i) the total amount of any payments (other than such award) which have been made or which will be made to such individual to compensate such individual for such injury; minus

(ii) the amount paid by such individual (or by the spouse, parent, or legal guardian of such individual) to secure the payments described in clause (i).

(4) LIMITATION ON NONECONOMIC DAMAGES.—The total amount of damages which may be awarded to an individual and the family members of such individual for noneconomic losses resulting from an injury which is the subject of a health care malpractice claim

may not exceed \$250,000, regardless of the number of health care professionals and health care providers against whom the claim is brought or the number of claims brought with respect to the injury.

(5) ATTORNEYS' FEES.—Attorneys' fees may not exceed—

(A) 33 percent of the first \$100,000 of any award or settlement;

(B) 15 percent of the next \$100,000; and

(C) 10 percent of any additional amounts in excess of \$200,000.

(6) STATUTE OF LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no health care malpractice claim may be initiated after the expiration of the 2-year period that begins on the date on which the alleged injury should reasonably have been discovered, but in no event later than 4 years after the date of the alleged occurrence of the injury.

(B) EXCEPTION FOR MINORS.—In the case of an alleged injury suffered by a minor who has not attained 6 years of age, no health care malpractice claim may be initiated after the expiration of the 2-year period that begins on the date on which the alleged injury should reasonably have been discovered, but in no event later than 4 years after the date of the alleged occurrence of the injury or the date on which the minor attains 8 years of age, whichever is later.

(b) PREEMPTION.—

(1) IN GENERAL.—Subsection (a) supersedes any State law only to the extent that State law establishes higher payment limits, permits the recovery of a greater amount of damages or the awarding of a greater amount of attorneys' fees, or establishes a longer period during which a health care malpractice claim may be initiated.

(2) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in subsection (a) shall be construed to—

(A) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(B) waive or affect any defense of sovereign immunity asserted by the United States;

(C) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976;

(D) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(E) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground in inconvenient forum.

(c) EFFECTIVE DATE.—Subsection (a) shall apply to health care malpractice claims initiated after the expiration of the 2-year period that begins on the date of the enactment of this Act.

SEC. 202. STATE MANDATES FOR RISK MANAGEMENT AND PROFESSIONAL DISCIPLINE.

(a) IN GENERAL.—To be eligible to receive assistance under the Public Health Service Act, a State shall certify that it meets the requirements described in subsections (b) through (e).

(b) DISCIPLINARY REFORMS.—Each State shall allocate the total amount of fees paid to the State in each year for the licensing or certification of each type of health care practitioner, or an amount of State funds equal to such total amount, to the State agency or agencies responsible for the conduct of disciplinary actions with respect to such type of health care practitioner.

(c) PROVIDER RISK MANAGEMENT.—Each State shall require each provider of services located in the State which—

(1) directly receives funds under any Federal law, regulation, or program; or

(2) receives Federal funds for or on behalf of an individual in payment for services rendered to such individual;

to have in effect a risk management program to prevent and provide early warning of practices which may result in injuries to patients or which otherwise may endanger patient safety.

(d) INSURER RISK MANAGEMENT.—Each State shall require each entity which provides health care practitioner liability insurance to health care practitioners in the State to—

(1) establish risk management programs based on data available to such entity or sanction programs of risk management for health care practitioners provided by other entities; and

(2) require each such practitioner, as a condition of maintaining insurance, to participate in one program described in paragraph (1) at least once in each 3-year period.

(e) ROLE OF PROFESSIONAL SOCIETIES.—

(1) REVIEW OF CLAIMS.—Each State agency responsible for the conduct of disciplinary actions for a type of health care practitioner shall enter into agreements with State or county professional societies of such type of health care practitioner to permit the review by such societies of any health care malpractice action, health care malpractice claim or allegation, or other information concerning the practice patterns of any such health care practitioner. Any such agreement shall comply with paragraph (2).

(2) REQUIREMENTS OF AGREEMENTS.—Any agreement entered into under paragraph (1) for the review of any health care malpractice action, health care malpractice claim or allegation, or other information concerning the practice patterns of a health care practitioner shall—

(A) provide that the health care professional society conduct such review as expeditiously as possible;

(B) provide that after the completion of such review, such society shall report its findings to the State agency with which it entered into such agreement and shall take such other action as such society considers appropriate; and

(C) provide that the conduct of such review and the reporting of such findings be conducted in a manner which assures the preservation of confidentiality of health care information and of the review process.

(3) EXEMPTION FOR CERTAIN ENTITIES.—An agreement entered into under paragraph (1) may not provide for the review of the action or conduct of any employee of an entity which—

(A) employs more than 25 health care practitioners of the same type;

(B) has in effect a continuing program for reviewing the quality of professional care provided by its employees; and

(C) is required by State law to report certain findings to the State agency responsible for the conduct of disciplinary actions for a type of health care practitioner.

(4) APPLICABILITY OF ANTITRUST LAWS.—Notwithstanding any other provision of law, any activity conducted pursuant to an agreement entered into under paragraph (1) shall not be grounds for any civil or criminal action under Federal antitrust laws, as defined in the first section of the Clayton Act and in section 4 of the Federal Trade Commission Act, or under the antitrust laws of the State or for any other civil action under the laws of the State.

(f) COMPLIANCE.—

(1) WITHHOLDING OF FUNDS.—If the Secretary determines that, at any time, a State is not in compliance with the provisions of this section, the Secretary shall, after adequate notice and an opportunity for hearing, withhold all funds which the State would receive or be eligible to receive under the Public Health Service Act. The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(2) INVESTIGATION.—The Secretary may not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State is in compliance with this section. Investigations required by this paragraph shall be conducted within the State by qualified investigators.

(3) RESPONSE.—The Secretary shall respond in an expeditious manner to complaints that a State has failed to comply with this section.

(4) OPPORTUNITY TO CORRECT DEFECTS.—Before withholding funds under paragraph (1), the Secretary may provide a grace period for the State to take actions necessary to comply with the provisions of this section.

SEC. 203. COMMUNITY AND MIGRANT HEALTH CENTERS RISK RETENTION GROUP.

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

"SEC. 330A. RISK RETENTION GROUP.

"(a) GRANT.—The Secretary shall make a grant to an entity that represents recipients of assistance under section 329 and 330 to enable such entity to develop a business plan as described in subsection (b)(2) and establish a nationwide risk retention group as provided for in Liability Risk Retention Act of 1986 (15 U.S.C. 3901 et seq.), and that meets the requirements of this section.

"(b) BUSINESS PLAN AND FORMATION.—

"(1) DEVELOPMENT AND ESTABLISHMENT.—

"(A) IN GENERAL.—Not later than September 30, 1991, the grantee shall develop a business plan as described in paragraph (2) and have established a risk retention group that meets the requirements of section 2(4) of the Product Liability Risk Retention Act of 1981 (15 U.S.C. 3901(2)(4)).

"(B) ESTABLISHMENT.—In establishing the risk retention group under subparagraph (A), the grantee shall take all steps, in accordance with this subsection, necessary to enable such group to be prepared to issue insurance policies under this section.

"(2) BUSINESS PLAN.—The grantee shall develop a plan for the operation of the risk retention group that shall include all actuarial reports and studies conducted with respect to the formation, capitalization, and operation of the group.

"(3) STRUCTURE, RIGHTS, AND DUTIES OF THE RISK RETENTION GROUP.—

"(A) BOARD OF DIRECTORS.—

"(i) APPOINTMENT.—The board of directors of the risk retention group shall consist of 12 members to be appointed by the recipient of the grant under subsection (a), and approved as provided in clause (ii).

"(ii) APPROVAL.—The initial members appointed under clause (i) shall be approved by the Secretary, and shall serve for a term as provided in clause (iii). All subsequent members shall be subject to the approval of the members of the risk retention group.

"(iii) TERMS.—The recipient of the grant under subsection (a) shall appoint the members of the board under clause (i) as follows:

"(I) Four members shall be appointed for an initial term of 1 year.

"(II) Four members shall be appointed for an initial term of 2 years.

"(III) Four members shall be appointed for an initial term of 3 years. Members serving terms other than initial terms shall serve for 3 years. Members may serve successive terms.

"(iv) EXECUTIVE DIRECTOR.—The Executive Director of the board shall be elected by the members of the board, and shall serve at the pleasure of such members.

"(v) VACANCIES.—Vacancies on the board shall be filled through a vote of the remaining members of the board, subject to the approval of the members of the risk retention group.

"(B) BYLAWS.—The board shall develop the bylaws of the risk retention group that shall be subject to the disapproval of the Secretary. Any changes that the board desires to make in such bylaws shall also be subject to the disapproval of the Secretary. The Secretary shall provide the board with 90 days notice of the Secretary's intent to disapprove a bylaw.

"(C) ADMINISTRATION.—The risk retention group may negotiate with other entities for the purposes of managing and administering the risk retention group, and for purposes of obtaining reinsurance.

"(D) PROVISION OF INSURANCE.—The risk retention group shall provide professional liability insurance, and other types of profitable insurance approved for issuance by the Secretary, to migrant and community health centers that receive assistance under sections 329 and 330 and that meet the requirements of subparagraph (E).

"(E) PARTICIPANTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), all community and migrant health centers that receive assistance under section 329 and 330 shall become members in the risk retention group established under this section and shall purchase the professional liability insurance that is offered by such group for such centers and any health care staff or personnel employed by such centers or under contract with such centers. All professional staff members of such centers shall be eligible to obtain the insurance offered by such group.

"(ii) EXCEPTIONS.—

"(I) GOOD CAUSE.—The Secretary may, on a showing of good cause by the center, exempt such center from the requirements of clause (i).

"(II) FAILURE TO MEET CONDITIONS.—If the risk retention group determines that a center is not complying with the established underwriting standards, such group may decline to provide insurance to such center. The risk retention group shall provide a center with 60 days notice of a decision by the group not to provide insurance to such center.

"(III) HEARING.—Prior to the Secretary granting an exemption or severance as requested in an application submitted under subclause (I), the Secretary shall require that the applicant provide evidence concerning its application and shall afford the risk retention group an opportunity to address the allegations contained in such application. The Secretary may grant the center temporary relief under this subparagraph without a hearing in emergency situations.

"(F) APPLICABILITY OF INSURANCE TO CLAIMS.—Insurance provided by the risk retention group under this section shall apply to all claims filed against a covered community or migrant health center after the ini-

ation of insurance coverage by the risk retention group, including acts that occur prior to coverage under this section that are not covered by other insurance.

"(c) SUBMISSION OF BUSINESS PLAN TO OUTSIDE EXPERTS.—After the development of the business plan and the establishment of the risk retention group as required under subsection (b), the risk retention group shall enter into a contract with individuals or entities who are insurance, financing, and business experts to require such individuals or entities to analyze and audit the group. Such individuals and entities shall provide the group with an evaluation of such plan and group.

"(d) SUBMISSION OF PLAN AND EVALUATION.—

"(1) IN GENERAL.—The risk retention group shall submit to the Secretary the business plan required under subsection (b) and the evaluation completed under subsection (c) to the Secretary.

"(2) DETERMINATION BY SECRETARY.—Not later than September 30, 1991, the Secretary shall make a determination, based on the plan and evaluation submitted under paragraph (1), of whether the operation of the risk retention group result in an increase in the amount of funds available for use by community and migrant health centers and other entities that receive assistance under sections 329 and 330 in the 2 year period ending on September 30, 1993.

"(3) IMPLEMENTATION.—If the Secretary makes an affirmative determination under paragraph (1), the Secretary shall permit the implementation of the plan and the operation of the risk retention group as provided for in this section, and shall capitalize such group as provided for in subsection (e)(2).

"(e) FUNDING.—

"(1) GRANT.—There are authorized to be appropriated to make a grant under subsection (a), \$1,000,000 for fiscal year 1992.

"(2) CAPITALIZATION.—There are authorized to be appropriated for fiscal years 1992 and 1993 such sums as may be necessary to provide adequate capitalization to the risk retention group. Amounts appropriated under this paragraph may only be made available if the Secretary makes an affirmative determination under subsection (d)(2).

"(3) REMAINING ASSETS.—All assets of the risk retention group that remain after the dissolution of such group shall become the property of the Secretary who shall use such assets to pay the remaining expenses of the group."

"(b) CONFORMING AMENDMENTS.—

(1) Section 329(h)(1)(A) of such Act (42 U.S.C. 254b(h)(1)(A)) is amended by striking "1991" and inserting "1993".

(2) Section 330(g)(2)(A) of such Act (42 U.S.C. 254b(h)(1)(A)) is amended by inserting "and such sums as may be necessary for fiscal year 1992" after "1991".

SEC. 204. REPORTS TO CONGRESS.

The Secretary shall monitor the effects of the reforms required under this title and report to Congress not later than 3 years after the date of the enactment of this title on the effect of such reforms on—

- (1) access to health care;
- (2) the costs of health care;
- (3) the number of health care malpractice actions filed in the United States;
- (4) the number of health care malpractice claims or disputes resolved through alternative dispute resolution systems; and
- (5) the length of time for individuals injured by health care malpractice to receive compensation for their injuries.

ENSURING ACCESS THROUGH MEDICAL LIABILITY REFORM ACT

(By Senator Orrin G. Hatch)

PURPOSE

To encourage States to develop alternative systems for promptly and cost effectively compensating individuals injured in the course of medical treatment.

To improve the efficiency of State credentialing, monitoring, and disciplinary systems in detecting and restricting health care professionals who endanger patient safety.

To require comprehensive medical quality assurance and risk management initiatives among health care providers to assist in preventing avoidable patient injuries.

To establish new tort guidelines for health care malpractice actions and the awarding of damages.

To establish a risk retention program that will make medical liability insurance available at affordable rates to community and migrant health care centers.

ALTERNATIVE DISPUTE RESOLUTION SYSTEM GRANTS

This legislation would provide grants to States to encourage them to implement innovative systems for resolving medical liability disputes and for compensating individuals who are injured while undergoing medical care. States would receive grants to develop alternative dispute resolution systems for handling medical liability claims. Two hundred million dollars will be authorized for formula distribution to the states.

The following programs would qualify for grant funding under the bill:

1. Fault-based Administrative system.—A State would establish an administrative process that would have exclusive jurisdiction to review medical liability claims. A simplified procedure for filing health care malpractice claims would be implemented to promote easier access to the process. The process would provide for expedited examination of claims, investigation and hearing, with appellate review before an agency panel. Judicial review of the final administrative decision would be limited in scope.

The responsible agency would be obligated to coordinate with State licensing and disciplinary authorities to establish early identification systems for those health care professionals who may be endangering patient safety. Full compensation for economic damages would be made to patients injured by health care malpractice, but pain and suffering and other non-economic damages would be limited.

2. Defined Catastrophic Injury Compensation Systems.—A State would establish a compensation fund to compensate all individuals who were injured in the course of receiving health care services, regardless of whether the provider or professional was negligent. Persons compensated by this fund would not be allowed to seek additional compensation in the courts. The claims filing procedure would permit a claimant the option to file and pursue a claim without the assistance of counsel, although counsel could be retained if desired. A final determination on a claim would be required within six months after the claim was filed. Compensation payments would be made for economic losses according to a schedule of benefits. A State could elect to compensate for pain and suffering or other noneconomic losses as well.

Funding for the compensation fund would come from all providers and health care professionals licensed in the State, as well as

from insurers which underwrite medical treatment covered by the fund.

3. **Early Offer and Recovery Mechanisms.**—A State would establish a system under which health care providers could offer to compensate a claimant for all economic losses before a health care malpractice action is pursued. Disputes about the value of economic losses would be resolved by arbitration. If the claimant rejects the offer and pursues legal action in the courts, potential noneconomic damages would be limited. A claimant could also be required to meet more stringent standards of proof in subsequent tort actions.

4. **Binding Arbitration (Voluntary or Mandatory).**—A State would establish a system under which health care providers and professionals could or would offer their patients an opportunity to enter into an agreement to arbitrate any claims of health care negligence prior to treatment. As part of this system, the State would guarantee that an individual's decision to arbitrate was not a prerequisite to the provision of medical services. The arbitration panel would consist of three persons, including one arbitrator selected by the claimants, one selected by the health care providers and professionals against whom the claim is made, and a third arbitrator chosen by the other two. Arbitration decisions will be subject to limited review in the State courts.

5. **Other Alternatives.**—The Secretary would be authorized to approve other alternative dispute resolution demonstration programs that are consistent with the purposes of this Act.

RESEARCH GRANTS

The Secretary of Health and Human Services would be authorized to make grants to State governmental and nonprofit organizations to conduct research on the prevention of and compensation for injuries resulting from health care negligence. A total of \$10 million is provided for FYs 1992, 1993 and 1994.

DISCIPLINARY AND EDUCATION GRANTS

The Secretary of Health and Human Services would be allowed to make grants to States to assist in improving their ability to monitor health care professionals and restrict those who are practicing substandard medicine. A total of \$20 million is provided for FYs 1992, 1993 and 1994.

FEDERALLY MANDATED REFORMS

1. **PROFESSIONAL LIABILITY REFORMS.**—The following federal reforms would apply in all health care malpractice actions, unless a State has enacted alternative provisions that achieve the same goals:

Mandatory periodic payment of damages exceeding \$100,000;

A \$250,000 ceiling on noneconomic damage awards;

Mandatory offsets of awards for collateral sources of recovery;

A schedule of limitations for attorney contingency fees; and;

A two-year statute of limitations; or, in the case of infant claims, the two-year statute of limitations would begin at the time of the claimant's sixth birthday.

2. **PATIENT PROTECTION REFORMS.**—States would be obligated to comply with the following requirements as a condition of receiving funds under the Public Health Service Act:

Licensing fees collected from health care professionals will be allocated exclusively to those State agencies responsible for licensing and disciplinary activities;

Health care providers doing business in the State must institute early warning systems for practices which may result in patient injury; and

Liability insurers doing business in the State must require patient safety programs as a condition of maintaining insurance.

In addition, States would be required to authorize the appropriate participation of state and local medical societies in the process of reviewing the practice patterns of individuals who may be endangering patient safety. Protection from State and federal antitrust law is extended to encourage such activities.

COMMUNITY AND MIGRANT HEALTH CARE CENTERS RISK RETENTION PROGRAM

The Secretary of Health and Human Services would be authorized to make a grant to facilitate creation of a nationwide risk retention group for community and migrant health care centers. If implementation of such a risk retention pool would result in savings which would then be available for use by community and migrant health centers, federal funds would be made available to capitalize the risk retention group. Under the bill, \$1 million would be available in FY 1992 for the development of a feasible business plan.

Mr. JEFFORDS. Mr. President, I am proud to be a cosponsor of the Ensuring Access Through Medical Liability Reform Act. This bill will encourage States to develop and implement alternative dispute resolution systems along with quality assurance programs. Such changes will better protect both the physician community and the patients they serve. Under our current system, many physicians will not perform high risk procedures due to fear of becoming victim to an expensive lawsuit of dubious merit. This fear, resulting in the availability of fewer physicians, has become an especially serious problem in many rural areas. However, the tort reforms and grants in the Ensuring Access Through Medical Liability Reform Act will encourage States to develop a framework to provide physicians the security they need to deliver care in such critical areas as obstetrics and gynecology. And when doctors do deliver care, they will be less likely to engage in defensive medicine provided mostly to protect themselves in the event that they should ever be sued. Such changes in physician behavior should result in significant medical cost savings for the American public. It is estimated that these savings would amount to approximately \$20 billion a year. In addition to the improved delivery of services and the potential for significant cost savings, this bill will encourage States to develop systems to ensure that victims of malpractice will be made whole. At present, approximately 60 percent of claims awards to successful plaintiffs go to legal costs. In addition, many victims with small claims are unable to pursue their case through our current legal system.

In Vermont, alternative dispute resolution is being advocated, not so much for cost reasons, as the cost of mal-

practice premiums are much lower in Vermont compared to the majority of States, but more to improve the quality of care. Moreover, alternative dispute resolution should be more timely, efficient and fair to both consumers and doctors.

At present, doctors are extremely concerned about frivolous suits that are settled by insurance companies because it costs more to litigate a claim and prove it to be frivolous than it does to settle a claim out of court. While the economic costs are paid directly by the insurer, the doctor also pays through damage to his reputation and higher insurance premiums in the future. In addition, doctors would prefer that malpractice cases be heard by people familiar with the intricacies involved in this highly technical area, especially the standards set to assure high quality health care. Physicians believe our current trial system is one that appeals to emotions rather than the merits of a case.

The specific alternative dispute resolution proposal being advocated by many consumers and physicians in Vermont would create an administrative review board modeled after Vermont's Public Service Board—monitoring public utility concerns—and Vermont's Workers Compensation Board.

The board would review and award compensation to all patients who have been harmed by health care providers. The administrative board would work with quality assurance programs and licensing entities to improve both quality and availability of health care services. It would work to assure a broader distribution of awards, shifting away from current practice, where a few victims receive very large awards, to a more equitable system that ensures all victims could receive something.

Under our current system, those with small legitimate claims usually have a hard time finding an attorney to take their case. For the small percentage of victims that do find someone to litigate their claims, approximately two-thirds of every dollar in awards goes to attorneys' fees and other transaction costs. Many victims don't recover out-of-pocket losses after attorneys' fees are paid. Also, it often takes a long time for a case to come up on a calendar because many court systems are severely backlogged; certainly this is true in Vermont.

Alternative dispute resolution should ensure that all claims, even small claims, will be officially reviewed in a timely fashion. In addition, injured parties with a small claim should find it easier to file a claim and prove their case. The alternative dispute resolution system introduced in the Vermont State Legislature would offer consumers the additional opportunity to be represented by an attorney at no direct cost, should they so desire.

There will be those that disagree with Senator HATCH and me, as well as those that agree to the need for medical liability reform. I say, let's enact this bill, encourage the States to experiment in this area and determine for ourselves what the results of this bill are. Whether or not alternative dispute resolution systems improve delivery, we will learn from facts as opposed to conjecture. By encouraging the States to try to improve upon our current system, we will learn what works and what doesn't and thus benefit in numerous ways from a bill with a small overall cost.

I want to commend my distinguished colleague, Senator HATCH, for his considerable efforts in the development of this important piece of legislation. I look forward to working with him toward its enactment and appreciate the opportunity to express my views on this important issue.

By Mr. BOREN:

S. 490. A bill to amend title 38, United States Code, and title 10, United States Code, to improve educational benefits and services for members of the Armed Forces of the United States who serve on active duty during the Persian Gulf war, and for other purposes; to the Committee on Veterans' Affairs.

PERSIAN GULF WAR VETERANS EDUCATIONAL BENEFITS ACT OF 1991

• Mr. BOREN. Mr. President, as our troops in the gulf war prove their courage and professionalism in freeing Kuwait, it is critical that this body stand resolute in its commitment to our heroic men and women. Congress has already demonstrated strong support by advancing significant legislation easing tax, financial, and other burdensome problems. Today I am introducing the Persian Gulf War Veterans Educational Benefits Act of 1991 to address a critical area we have yet to consider.

Many active and Reserve students had to leave their classes, in many instances, only days or weeks before final exams to go to the Persian Gulf. My bill would guarantee that U.S. military personnel, in certain education assistance programs and pulled from the classroom for duty in the Persian Gulf, would receive compensation for both the time and funding if full credit was not received.

Another provision provides a deferral for the repayment of educational loans for the amount of time a service man or woman spends in Operation Desert Storm.

Looking beyond the gulf war, I have included language to establish a program under the Montgomery GI bill to provide post-baccalaureate assistance to reservists who have served at least 180 days of active duty in Operation Desert Storm. Mandatory requirements for civilian education put in place for

officers, warrant officers, and the enlisted in the Guard and Reserve are difficult to achieve while working full time as well as serving in the Reserves. The active components' full range of education assistance includes graduate studies and I believe reservists deserve the same opportunity. Should this program prove to be as successful as I suspect, I will ask for the extension of this program to all reservists.

I have included another retention tool by extending the Student Loan Repayment Program [SRIP] to young Reserve officer and warrant officer candidates. The SRIP allows the military to help reservists by paying 15 percent of the debt or \$500 for each year served. Under the present program, many of these talented candidates cannot accept a commission because student loans repayments are terminated at just the time more education goals are required.

My bill would also provide an increase, the first since enactment, in the monthly stipend for both active and Reserve programs under the Montgomery GI bill.

When our courageous troops return home having won victory over the aggression of Saddam Hussein, let us make sure that they continue on the path of even greater success by providing these appropriate steps for assistance in educational opportunity.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Veterans Educational Benefits Act of 1991".

SEC. 2. INCLUSION OF PERSIAN GULF WAR WITHIN DEFINITION OF "PERIOD OF WAR" FOR PURPOSES OF VETERANS BENEFITS.

Section 101 of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting "the Persian Gulf War," after "the Vietnam era,"; and

(2) by adding at the end the following new paragraph:

"(3) The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law."

SEC. 3. INCREASE IN THE AMOUNT OF MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PAYMENTS.

(a) ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM.—Section 1415 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking out "\$300" and inserting in lieu thereof "\$500"; and

(2) in subsection (b)(1), by striking out "\$250" and inserting in lieu thereof "\$350".

(b) AMOUNT OF BENEFIT PAYMENTS UNDER SELECTED RESERVE PROGRAM.—Section 2131(b) of title 10, United States Code, is amended—

(1) by striking out "(b) Except" and inserting in lieu thereof "(b)(1) Except";

(2) by redesignating paragraphs (1), (2), (3), and (4), as subparagraphs (A), (B), (C), and (D), respectively;

(3) in subparagraph (A), as so redesignated, by striking out "\$140" and inserting in lieu thereof "\$250";

(4) in subparagraph (B), as so redesignated, by striking out "\$105" and inserting in lieu thereof "\$187"; and

(5) in subparagraph (C), as so redesignated, by striking out "\$70" and inserting in lieu thereof "\$125".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to payments of educational assistance made on or after April 1, 1991.

SEC. 4. ELIGIBILITY AND OTHER EDUCATIONAL BENEFITS UNDER SELECTED RESERVE PROGRAM.

(a) ELIGIBILITY.—Section 2131(a) of title 10, United States Code, is amended—

(1) by striking out "(a) To" and inserting in lieu thereof "(a)(1) To"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of each military department and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, shall provide educational assistance to members of the Selected Reserve of the Ready Reserve of the armed forces under the jurisdiction of the Secretary concerned who—

"(A) during the Persian Gulf War, served on active duty for more than 180 days of continuous service pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of this title; and

"(B) were discharged or released from such service under conditions other than dishonorable."

(b) USE OF EDUCATIONAL ASSISTANCE.—Section 2131(c)(1) of such title is amended—

(1) by striking out "Educational" and inserting in lieu thereof "(A) Except as provided in subparagraph (B) of this paragraph, educational"; and

(2) by adding at the end the following new subparagraph:

"(B) Educational assistance may be provided under this chapter for a program of education beyond the baccalaureate degree level in the case of a member whose service is described by subsection (a)(2)(A)."

(c) PERIOD OF PERSIAN GULF WAR DEFINED.—Section 2131 of such title is amended by adding at the end the following new subsection:

"(h) For purposes of this chapter, the term 'Persian Gulf War' has the meaning given such term by section 101(33) of title 38."

SEC. 5. DELIMITING DATE.

Section 2133(b) of title 10, United States Code, is amended by adding at the end the following:

"(4) In the case of a member of the Selected Reserve of the Ready Reserve who, during the Persian Gulf War, serves on active duty pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of this title—

"(A) the period of such active duty service shall not be considered in determining the expiration date applicable to such member under subsection (a); and

"(B) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service."

SEC. 6. RESTORATION OF EDUCATIONAL ASSISTANCE.

(a) CHAPTER 30 PROGRAM.—Section 1413 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, the payment of a monthly educational assistance allowance to an individual for the pursuit of a course or courses described in paragraph (2) of this subsection shall not constitute receipt by such individual of such educational assistance allowance for the purposes of determining—

"(A) the individual's subsequent entitlement to such assistance under this chapter; and

"(B) the aggregate period of the individual's eligibility for assistance under section 1795 of this title.

"(2)(A) A course referred to in paragraph (1) of this subsection—

"(i) in the case of a member of the Selected Reserve who, during the Persian Gulf War, performs active duty pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of title 10, is any course pursued by such member which the member fails to complete by reason of such order, as determined by the Secretary; or

"(ii) in the case of any other member of the Armed Forces who serves on active duty during the Persian Gulf War, is any course pursued by such member which the member fails to complete by reason of being ordered to a new location or assignment during the Persian Gulf War or by reason of a substantial increase in the work associated with the military duties of such member during the Persian Gulf War, as determined by the Secretary.

"(B) No course for which a member of the Armed Forces referred to in subparagraph (A) of this paragraph receives full credit from the institution of higher education offering the course may be considered a course referred to in paragraph (1) of this subsection."

(b) CHAPTER 32 PROGRAM.—(1) Section 1631(a) of such title is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, the payment of a monthly educational assistance allowance to an individual for the pursuit of a course or courses described in subparagraph (B) of this paragraph shall not constitute receipt by such individual of such educational assistance allowance for the purposes of determining—

"(i) the individual's subsequent entitlement to such assistance under this chapter; and

"(ii) the aggregate period of the individual's eligibility for assistance under section 1795 of this title.

"(B) A course referred to in subparagraph (A) of this paragraph—

"(i) in the case of a member of the Selected Reserve who, during the Persian Gulf War, performs active duty pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of title 10, is any course pursued by such member which the member fails to complete by reason of such order, as determined by the Secretary; or

"(ii) in the case of any other member of the Armed Forces who serves on active duty during the Persian Gulf War, is any course pursued by such member which the member fails to complete by reason of being ordered to a new location or assignment during the Persian Gulf War or by reason of a substantial increase in the work associated with the

military duties of such member during the Persian Gulf War, as determined by the Secretary.

"(C) No course for which a member of the Armed Forces referred to in subparagraph (B) of this paragraph receives full credit from the institution of higher education offering the course may be considered a course referred to in subparagraph (A) of this paragraph.

"(D) The amount in the fund for each eligible veteran who received a payment of an educational assistance allowance for a course or courses described in subparagraph (B) of this paragraph shall be restored to the amount that would have been in the fund for the veteran if the payment had not been made. For purposes of carrying out the previous sentence, the Secretary of Defense shall deposit into the fund, on behalf of each such veteran, an amount equal to the entire amount of the payment made to the veteran.

"(E) In the case of a veteran who discontinues pursuit of a course or courses as described in subparagraph (B) of this paragraph, the formula for ascertaining the amount of the monthly payment to which the veteran is entitled in paragraph (2) of this subsection shall be implemented as if—

"(i) the payment made to the fund by the Secretary of Defense under subparagraph (D) of this paragraph; and

"(ii) any payment for a course or courses described in subparagraph (B) of this paragraph that was paid out of the fund, had not been made or paid."

(2) Section 1631(a)(2) of such title is amended by inserting "in paragraph (5)(E) of this subsection and" after "Except as provided".

(c) CHAPTER 35 PROGRAM.—Section 1711(a) of such title is amended—

(1) by striking out "Each" and inserting in lieu thereof "(1) Each"; and

(2) by adding at the end the following new paragraphs:

"(2) Notwithstanding any other provision of this chapter or chapter 36 of this title, the payment of a monthly educational assistance allowance to an individual for the pursuit of a course or courses described in paragraph (3) of this subsection shall not constitute receipt by such individual of such educational assistance allowance for the purposes of determining—

"(A) the individual's subsequent entitlement to such assistance under this chapter; and

"(B) the aggregate period of the individual's eligibility for assistance under section 1795 of this title.

"(2)(A) A course referred to in paragraph (2) of this subsection—

"(i) in the case of a member of the Selected Reserve who, during the Persian Gulf War, performs active duty pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of title 10, is any course pursued by such member which the member fails to complete by reason of such order, as determined by the Secretary; or

"(ii) in the case of any other member of the Armed Forces who serves on active duty during the Persian Gulf War, is any course pursued by such member which the member fails to complete by reason of being ordered to a new location or assignment during the Persian Gulf War or by reason of a substantial increase in the work associated with the military duties of such member during the Persian Gulf War, as determined by the Secretary.

"(B) No course for which a member of the Armed Forces referred to in subparagraph (A) of this paragraph receives full credit

from the institution of higher education offering the course may be considered a course referred to in paragraph (2) of this subsection."

(d) SELECTED RESERVE PROGRAM UNDER TITLE 10.—Section 2131(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(3)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, the payment of a monthly educational assistance allowance to an individual for the pursuit of a course or courses described in subparagraph (B) shall not constitute receipt by such individual of such educational assistance allowance for the purposes of determining—

"(i) the individual's subsequent entitlement to such assistance under this chapter; and

"(ii) the aggregate period of the individual's eligibility for assistance under section 1795 of this title.

"(B) A course referred to in subparagraph (A) of this subsection—

"(i) in the case of a member of the Selected Reserve who, during the Persian Gulf War, performs active duty pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of this title, is any course pursued by such member which the member fails to complete by reason of such order, as determined by the Secretary of Veterans Affairs; or

"(ii) in the case of any other member of the Armed Forces who serves on active duty during the Persian Gulf War, is any course pursued by such member which the member fails to complete by reason of being ordered to a new location or assignment during the Persian Gulf War or by reason of a substantial increase in the work associated with the military duties of such member during the Persian Gulf War, as determined by the Secretary of Veterans Affairs.

"(C) No course for which a member of the Armed Forces referred to in subparagraph (B) receives full credit from the institution of higher education offering the course may be considered a course referred to in subparagraph (A)."

SEC. 7. AUTHORIZATION TO REPAY EDUCATIONAL LOANS FOR CERTAIN OFFICERS.

Section 2171(a)(2)(A)(i) of title 10, United States Code, is amended by inserting "or as an officer in a grade below major or, in the case of the Navy, in a grade below lieutenant commander" after "enlisted member".

SEC. 8. STUDENT LOAN DEFERMENTS.

(a) RETENTION OF GRACE PERIOD.—Repayment of any loan made under part B or E of title IV of the Higher Education Act of 1965 to an individual who is a member of the Armed Forces called or ordered to active duty in connection with operations in the Persian Gulf region shall be eligible for deferment under section 428(b)(1)(M)(ii) or 464(c)(2)(A)(ii), respectively, of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), during the continuance of such duty. Such period of deferment shall not be counted against the grace period (preceding the commencement of repayment) that is available to any such individual with respect to any such loan under section 428(b)(1)(E) or 464(c)(1)(A), respectively, of such Act.

(b) OPERATIONS IN THE PERSIAN GULF REGION DEFINED.—For purposes of subsection (a), the term "operations in the Persian Gulf region" means United States military activities conducted as a consequence of the invasion of Kuwait by Iraq on August 2, 1990, including United States military activities

conducted under the name Operation Desert Shield or Operation Desert Storm.

SEC. 9. TREATMENT OF EXPENDITURES.

For the purposes of section 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), as amended by section 13101 of Public Law 101-508, all direct or discretionary spending contained in this Act are emergency expenditures related to Operation Desert Shield.*

By Mr. GRAHAM:

S. 491. A bill to amend the Internal Revenue Code of 1986 to require any general election candidate who receives amounts from the Presidential Election Campaign Fund to participate in debates with other such candidates; to the Committee on Rules and Administration.

NATIONAL PRESIDENTIAL DEBATES ACT

Mr. GRAHAM. Mr. President, today I am reintroducing the National Presidential Debates Act.

The bill is similar to that which I introduced in the 101st Congress. The fundamental objective has not changed. The bill requires candidates for President and Vice President to debate.

To be eligible for public campaign financing during the general election, Presidential candidates must agree in writing to participate in at least four debates.

Vice Presidential candidates must agree in writing to partake in at least one debate to be eligible for public funds.

Upon failure to participate in the debates, the candidate will become ineligible for public funds and will have to return the amount of funds already received to the Treasury.

I have, however, dropped from the original version the provisions specifying timing and length of the debates. I hope that this deletion will win the support of those who criticized the legislation as micromanaging.

Campaign reform thus far has focused on the financial aspects such as PAC contributions, limits on overall spending and on out-of-State contributions. There has been inadequate attention on the quality of campaigns.

Today, I hope to shift the focus.

I continue to push the concept of public debates because a campaign is supposed to be a dialogue between candidate and voter, not a monologue given by the candidate.

A campaign is supposed to provide a two-way learning process for both voter and candidate.

It is not enough for the voters to hear negative comments about candidates in the form of 30-second bites.

It is not enough for voters to learn about candidates through the eyes and ears of the media.

It is not enough for candidates to learn about their constituencies through opinion polls or at harried fundraisers.

Both candidate and voter must learn from each other to ensure effective representation.

One of the central problems of several contemporary Presidents is that their campaigns have not sufficiently developed the relationship between the candidate and the voter.

What results is a President being sworn into office without having a clear set of voter-approved mandates.

If there is no opportunity for dialogue, then the campaign will not have established the mutuality between the candidate and the electorate, or the office holder and the citizen, that is needed for both to participate in the political process and for democratic government to endure.

How many times have you heard people say they know little to nothing about the candidates?

How can voters be expected to make educated choices if all they are exposed to are 30-second negative blasts on television?

How can we expect elected officials to know their constituencies unless they have the opportunity to interact with them?

Why institutionalize debates? History has shown us that uncertainty alone about whether debates will occur can destroy their effectiveness and purpose. Since 1960, Presidential candidates have met sporadically to debate, but when the debates did happen they were viewed by many.

However, voters still felt they did not have enough information about the candidates and consequently, did not vote. If both voter and candidate knew the debates were going to happen, then more time could be spent on preparation than on campaign staffs negotiating their candidates out of having the debate. Voters could count on a forum to provide them with knowledge with which they could comfortably go to the polls.

Estimates show that nationwide voter turnout in 1990 was 36.4 percent of voting age population. Public debates should be pursued at all levels in the electoral process for it is a way of getting people involved and may bring Americans back to the polls.

The National Presidential Debates Act can return to the voter and the candidate spontaneous and thoughtful exchanges of views and philosophies.

The Act can return to voter and candidate dialogs which are necessary for educated voting and educated representation.

By Mr. SIMON (for himself, Mr. AKAKA, Mr. ADAMS, Mr. LEVIN, Mr. BIDEN, Mr. EXON, Mr. BURDICK, Mr. CONRAD, Mr. HATFIELD, Mr. ROCKEFELLER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. PELL, Mr. CRANSTON, Mr. HARKIN, Mr. METZENBAUM, Mr. SARBANES, Mr. INOUE, Mr. DODD,

Mr. D'AMATO, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. BYRD):

S. 492. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes; to the Committee on Labor and Human Resources.

LIVE PERFORMING ARTS LABOR RELATIONS AMENDMENTS

• Mr. SIMON. Mr. President, today I am proud to be joined by a bipartisan group of 22 original cosponsors in introducing legislation, the Live Performing Arts Labor Relations amendments, to correct several longstanding inequities in our Nation's labor laws relating to performing artists. These inequities have effectively denied to hundreds of live performing artists the right to organize and engage in collective bargaining over their working conditions and wages.

Like the construction and garment industries, the entertainment industry is characterized by short-term, episodic employment. Long ago, Congress recognized the special circumstances facing construction and garment workers and enacted provisions in the National Labor Relations Act [NLRA] to make it possible to extend the protection of labor laws to those workers. Musicians and entertainers, even though they face employment patterns similar to those in the construction and garment industries, still do not enjoy a right to union representation of their own choosing or to bargain with their true employers. This unfair situation has existed for over 20 years. Corrective action is long overdue to recognize the special problems faced by performers in the entertainment industry.

The Live Performing Arts Labor Relations Amendments of 1991 is identical to S. 1216, introduced in the 101st Congress. This legislation amends the National Labor Relations Act in three important ways.

First, the bill would grant employee status to certain individuals who perform musical services. Because only individuals who are defined as employees under the NLRA are afforded a protected right to collective bargaining, a clear definition of the terms "employee" and "employer," and a clear understanding of the employer relationship, is a necessary first step toward providing live performers access to the collective bargaining process. Under this legislation, an "employer" would be defined for the purposes of the NLRA to include "any person who is the purchaser of live musical performance services regardless of whether the performer of such services is an inde-

pendent contractor, employer, or employee of another employer." The bill also states that independent contractors who are engaged to perform live musical services, other than an employer of persons performing musical services, shall be included in the term "employee" under the NLRA.

Second, the bill would extend the current exemption for the construction industry under section 8(f) of the NLRA to permit, but not require, employers of performing artists, other than employers in the broadcasting or motion picture industries, to enter into prehire agreements with unions representing such performers. This exemption recognizes the short-term nature of the work in the entertainment industry, where a performer is often hired for a brief engagement, sometimes lasting just a day or two. By allowing prehire agreements, the exemption accommodates the performer's right to organize and bargain collectively despite the peculiar nature of the entertainment industry, which makes union representation difficult if not impossible.

Third, the bill would provide an exemption under section 8(e) of the NLRA from the prohibition against the so-called hot cargo clauses for certain persons in the entertainment industry. Like the existing exemption under the NLRA for the garment industry, the proposed exemption would allow employers and unions in the performing arts industry to enter into agreements under which employers would hire union subcontractors. The bill would also remove some of the statutory restrictions that limit performing arts union activity related to strikes and secondary boycotts.

Mr. President, the fragmented, casual, and unstable nature of the entertainment industry contributes to poor wages, poor working conditions, long periods of unemployment, and just general economic uncertainty for thousands of musicians and performing artists in Illinois and across the country. A 1980 survey of performing artists found that 31 percent of all actors and 25 percent of all musicians and their families were working at or below the poverty level as determined by eligibility for the CETA Program. Performing artists need and deserve effective representation and fair collective bargaining to improve their economic well-being and overall quality of life.

The 102d Congress has an opportunity to make the changes in our labor laws that are needed and justified to address the unusual problems faced by live performing artists, just as we have already done for workers in the construction and garment industries who face similar problems. The live performing artists labor relations amendments are necessary to make union representation and collective bargaining mean-

ingful rights for musicians and other live performing artists.

I ask unanimous consent that the full text of the bill be entered into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Live Performing Arts Labor Relations Amendments".

SEC. 2. EXTENDING SECTION 8(e) TO THE LIVE PERFORMING ARTS INDUSTRY.

Section 8(e) of the National Labor Relations Act (29 U.S.C. 158(e)) is amended by striking "Provided further" in the second proviso and all that follows and inserting the following: "Provided further, That for the purposes of this subsection and section 8(b)(4)(B), the terms 'any employer', 'any person engaged in commerce or in industry affecting commerce', and 'any person', when used in relation to the terms 'any other producer, processor, or manufacturer', 'any other employer', or 'any other person' shall not include persons in the relation of a jobber, manufacturer, contractor, or subcontractor working on the goods or premises of the jobber or manufacturer or performing parts of an integrated process of production in the apparel and clothing industry or persons in the relation of a leader, contractor, purchaser of live entertainment or live music, promoter, producer, or persons similarly engaged or involved in an integrated production or performance of any kind in the live entertainment industry: *Provided further*, That nothing in this Act shall prohibit the enforcement of any contract or agreement, expressed or implied, which is within the foregoing exception."

SEC. 3. EXTENDING SECTION 8(f) TO THE LIVE PERFORMING ARTS INDUSTRY.

Section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) is amended by inserting "(1)" after "(f)", and by adding at the end the following:

"(2) It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer who hires persons or contracts for the services of persons engaged in the live performing arts to make an agreement covering such persons who are engaged (or who, upon their employment, will be engaged) in the live performing arts with a labor organization of which performing artists are members (not established, maintained, or assisted by an action defined in section 8(a) of this Act as an unfair labor practice) because (A) the majority status of such labor organization has not been established under the provisions of section 9 of this Act before the making of such agreement; or (B) such agreement requires as a condition of employment membership in such labor organization after the seventh day following the beginning of such employment of the effective date of the agreement, whichever is later: *Provided*, That nothing in this subsection shall set aside the final proviso of section 8(a)(3) of this Act: *Provided further*, That any agreement which would be invalid, but for clause (A) of this paragraph, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e)."

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITION OF "EMPLOYER".—Section 2(2) of the National Labor Relations Act (29

U.S.C. 152(2)) is amended by inserting after "directly or indirectly" the following: "and includes any person who is the purchaser of live musical performance services regardless of whether the performer of such services is an independent contractor, employer, or employee of another employer."

(b) DEFINITION OF "EMPLOYEE".—Section 2(3) of the Act (29 U.S.C. 152(3)) is amended by inserting after "independent contractor" the following: "except that any individual having such status who is engaged to perform live musical services (other than an employer of persons performing musical services) shall be included in the term 'employee'".

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BRADLEY, Mr. AKAKA, Mr. KOHL, Mr. ADAMS, Mr. SIMON, and Mr. KERRY):

S. 493. A bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventative care, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE MATERNAL AND EARLY CHILDHOOD HEALTH CARE ACT

• Mr. KENNEDY. Mr. President, today I am introducing legislation to invest in the Nation's most vital resource—our children. The Maternal and Early Childhood Health Care Act of 1991 builds on proven, cost-effective programs to enhance the lives of millions of American children. To ensure their ability to learn, to graduate from school, to obtain a job, and to be productive citizens, we must offer them a healthy beginning.

Today, 20 percent of American children live in poverty—up from 16 percent in 1980. The United States spends more on health care than most industrialized nations. Yet 14 million women of childbearing age lack adequate health coverage and 12 million children are uninsured. On a typical day in America, 107 infants die, 700 more babies are born with a birthweight so low that they are 40 times more likely to die in the first month of life.

The high rate of infant mortality in this country is a national disgrace. The United States ranks 19th in the world for overall infant mortality, and 30th for nonwhites.

High infant mortality is directly related to poor prenatal care. A woman who receives little or no prenatal care is more likely to deliver a low birthweight child. Such infants are more prone to long-term physical and mental disabilities, developmental delays, and subsequent illness. For every infant who dies, 10 others are disabled for life—400,000 children a year.

Unfortunately, the Bush administration is attacking infant mortality the wrong way. The administration gets high marks for its intention to do something about the problem. But their plan is flawed. It targets only 10

cities, when many more jurisdictions need help.

Also, the administration wants to pay for its initiative by cutting funds from hard-pressed programs that other cities are now using to reduce their own infant mortality. Infant deaths are a tragedy affecting families throughout the country. Targeting only 10 cities is inadequate, when many places need help. It's also unfair—and counterproductive—to cut back even further on the limited funds now being used to tackle the problem. A few cities move forward, but many others lose ground. What sense does that make?

Given tight budget constraints, we must invest Federal dollars wisely. We can pay now for quality prenatal care. Or we can pay much more later in health, education, welfare, and other costs. An HHS study states that it would cost \$500 million a year to provide prenatal health care to low-income pregnant women who do not receive adequate care; instead we pay \$2 billion annually for hospital costs for low birthweight babies.

This bill addresses several areas of maternal and infant health care. It builds on recognized cost-effective programs that promote healthy outcomes.

This legislation will expand the Community and Migrant Health Centers Program, particularly in their front-line services to pregnant women and children at risk. These centers provide needed health care services to disadvantaged, and often high risk, individuals in underserved areas with high infant mortality rates and poor health prospects. Over 1.3 million women of childbearing age and 2.1 million children under age 15 depend on community health centers as their only source of care. Without these centers, many pregnant women and children would receive only emergency room care, if any at all.

Currently only half of the centers provide specialized one-stop shopping services that offer comprehensive care. This bill will provide funds so that all community health centers will benefit from such a program. Of the \$80 million authorized, \$25 million would fund new CPCP grants for the Comprehensive Perinatal Care Program in places where obstetrical and pediatric care is minimal or nonexistent; \$35 million will be available to expand services for children up to age 3; \$20 million will be set aside to establish and operate new community and migrant health centers. This expansion will enable 250,000 women and children to receive desperately needed health care in both urban and rural areas.

The legislation will also expand and increase immunization opportunities for young children. There is no excuse for leaving our children vulnerable to disabling, even fatal, diseases for which we have long had effective vaccines.

Under this provision, the Centers for Disease Control will purchase vaccines in bulk for community health centers in the same way they currently supply State health departments; \$30 million is authorized for this purpose.

The bill also creates a series of demonstration projects to immunize children at WIC clinics, enhance outreach and access to immunization services, and provide incentives for private physicians to offer this service in addition to public clinics.

We have the knowledge and tools to achieve a substantial and immediate reduction in childhood diseases in the United States. Ensuring that all children are immunized on schedule is as essential as it is cost-effective. For every 1 million children vaccinated, 92,000 children will be spared suffering from whooping cough. For every dollar we spend on immunizations, we save \$10 in later health costs.

Another cause of low birthweight infants, increased infant mortality, premature deliveries, miscarriage, complications, and sudden infant death syndrome is smoking. To deal with this challenge, the bill will expand a program of training and technical assistance to all States to ensure that smoking cessation programs are integrated into prenatal health care. For every dollar spent on the Smoking Cessation in Pregnancy Program, \$5 to \$7 are saved.

Finally, the legislation will expand access to substance abuse programs for pregnant women by providing prevention and treatment services at community and migrant health centers and other primary care sites. More than 250,000 pregnant women need substance abuse treatment in 31 States and the District of Columbia alone. In 1988, 375,000 babies were born to crack-addicted mothers. Fetal alcohol syndrome affects 3,500 to 7,000 infants annually. Providing services after these children are born is essential. But it is also essential and cost-effective as also providing services to the mothers during the pregnancy.

This initiative authorizes \$75 million to improve access to comprehensive treatment services for pregnant substance abusers. Treatment providers that offer a range of health and support services, such as child care, employment counseling, and housing referral will receive priority for grants. The bill also requires the Office of Substance Abuse Prevention and Health Resources and Services Administration to coordinate their efforts and to work with State and local agencies.

Finally, we must also find a solution to the malpractice crisis, particularly in obstetrics, which currently acts as a barrier to needed health care for hundreds of thousands of pregnant women.

Community health centers currently spend more than \$50 million a year for malpractice insurance. Since the pay-

ment on claims against community centers is only \$4 million, the Federal Government is paying \$46 million directly to the insurance industry. These funds could serve an additional 500,000 low-income pregnant women and children in need, and I intend to work with my colleagues to fashion a way to end this unacceptable distortion of priorities by the time we markup this bill.

Maternal and child health care is an investment in our future. I thank Senators DODD, BRADLEY, AKAKA, KOHL, ADAMS, SIMON, and KERRY for joining me today. We know these programs work, and I urge the Senate to support them.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Maternal and Early Childhood Health Care Act".

SEC. 2. MIGRANT AND COMMUNITY HEALTH CENTER INITIATIVES.

(a) MIGRANT HEALTH CENTERS.—Paragraph (2) of subsection (h) of section 329 of the Public Health Service Act (42 U.S.C. 254b(g)) is amended to read as follows:

"(2)(A) For purposes of subparagraph (B), from amounts appropriated in each fiscal year under paragraph (1)(A) in excess of the amount appropriated under such paragraph for fiscal year 1991, the Secretary shall utilize in fiscal year 1992, not less than \$10,000,000 for the development and operation of new Comprehensive Perinatal and Early Childhood Health Programs in medically underserved areas where such programs do not exist, and expand the capacity of services provided for pregnant women and children up to the age of three, in medically underserved areas where Migrant Health Centers are currently operating Comprehensive Perinatal Care Programs. The Secretary shall utilize such amounts to supplement and not supplant amounts expended on the date of enactment of this paragraph for Comprehensive Perinatal Care Programs under this section.

"(B) The Secretary shall make grants to Migrant Health Centers to assist such Centers in the development and operation of Comprehensive Perinatal and Early Childhood Health Programs. Such Programs shall be designed to provide coordinated health care and support services to pregnant women and young children to increase positive birth outcomes, reduce infant mortality, and support healthy child development. Such services shall include—

"(i) public information, outreach and case finding services provided through the use of media, community canvassing (using volunteer and paraprofessional personnel), referrals, or other methods targeted to reach women at high-risk of receiving inadequate health care;

"(ii) individualized risk assessment and case management services for pregnant women, infants, and children to insure early, continuous, and comprehensive health care and support services including—

"(I) health care (including prenatal health care, nutrition counseling, and smoking cessation interventions), and health education concerning the risks of smoking, alcohol, substance abuse, and inadequate nutrition; and

"(II) perinatal care, primary and preventive health care for infants and children (including screening for vision, hearing, dental conditions, developmental delay, nutritional status, and lead poisoning), timely provision of immunizations, and referral for specialized early periodic screening diagnostic treatment services, services under part H of the Individuals with Disabilities Education Act, and other necessary health and support services;

"(iii) substance abuse screening, outpatient substance abuse counseling services, and referral to and as necessary the purchase of community-based residential substance abuse treatment services for women with serious substance abuse problems;

"(iv) parenting skill training and child development education (including services stressing the importance of regular health screenings, adequate nutrition, child safety measures and basic growth patterns and expectations) through both center based counseling and home visiting, where determined appropriate, and through distribution of the Maternal Child Health Handbooks as available;

"(v) necessary support services, including counseling, child care, transportation, translation services, benefit eligibility determination, and housing assistance, either provided directly or through referral with appropriate follow-up; and

"(vi) collaboration with other community based health and support service providers, hospitals, clinics, recipients of grants under title V, State and local health and social service departments, alcohol and drug treatment programs, State and local special supplemental food programs for women, infants and children under section 17 of the Child Nutrition Act of 1966, Medicaid offices, and other organizations providing services to women, infants, children, and families.

"(C) To the maximum extent practicable, comprehensive health and support services under this paragraph should be delivered on site at the health center, (including services delivered by outposted Medicaid workers in accordance with section 1902 of the Social Security Act (42 U.S.C. 1396a), by workers eligible to provide services under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), by drug treatment service providers and through others) to ensure access and coordination."

(b) **COMMUNITY HEALTH CENTERS.**—Subsection (g) of section 330 of such Act (42 U.S.C. 254c(g)) is amended:

(1) in paragraph (1) by adding at the end thereof the following new subparagraph:

"(C) Of the amounts appropriated under subparagraph (A) in each fiscal year in excess of the amount appropriated under such paragraph for fiscal year 1991, up to \$20,000,000 shall be used in each such fiscal year to make grants under subsection (c)(1) for the planning and development of community health centers to serve medically underserved populations. New community health centers shall be equitably distributed between underserved urban and rural areas with satellite models used where appropriate.";

(2) in paragraph (2) to read as follows:

"(2)(A) For purposes of subparagraph (B), from amounts appropriated in each fiscal year under paragraph (1)(A) in excess of the

amount appropriated under such paragraph for fiscal year 1991, the Secretary shall utilize in fiscal year 1992, not less than \$60,000,000 for—

"(i) the development and operation of new Comprehensive Perinatal and Early Childhood Health Programs in medically underserved areas where such programs do not exist; and

"(ii) expanding the capacity of services provided for pregnant women and children up to the age of three, in medically underserved areas where community health centers are currently operating Comprehensive Perinatal Care Programs.

The Secretary shall utilize such amounts to supplement and not supplant amounts expended on the date of enactment of this paragraph for Comprehensive Perinatal Care Programs under this section.

"(B) The Secretary shall make grants to Community Health Centers to assist such Centers in the development and operation of Comprehensive Perinatal and Early Childhood Health Programs. Such Programs shall be designed to provide coordinated health care and support services to pregnant women and young children to increase positive birth outcomes, reduce infant mortality, and support healthy child development. Such services shall include—

"(i) public information, outreach and case finding services provided through the use of media, community canvassing (using volunteer and paraprofessional personnel), referrals, or other methods targeted to reach women at high-risk of receiving inadequate health care;

"(ii) individualized risk assessment and case management services for pregnant women, infants, and children to insure early, continuous, and comprehensive health care and support services including—

"(I) health care (including prenatal health care, nutrition counseling, and smoking cessation interventions), and health education concerning the risks of smoking, alcohol, substance abuse, and inadequate nutrition; and

"(II) perinatal care, primary and preventive health care for infants and children (including screening for vision, hearing, dental conditions, developmental delay, nutritional status, and lead poisoning), timely provision of immunizations, and referral for specialized early periodic screening diagnostic treatment services, services under part H of the Individuals with Disabilities Education Act, and other necessary health and support services;

"(iii) substance abuse screening, outpatient substance abuse counseling services, and referral to and as necessary the purchase of community-based residential substance abuse treatment services for women with serious substance abuse problems;

"(iv) parenting skill training and child development education (including services stressing the importance of regular health screenings, adequate nutrition, child safety measures and basic growth patterns and expectations) through both center based counseling and home visiting, where determined appropriate, and through distribution of the Maternal Child Health Handbooks as available;

"(v) necessary support services, including counseling, child care, transportation, translation services, benefit eligibility determination, and housing assistance, either provided directly or through referral with appropriate follow-up; and

"(vi) collaboration with other community based health and support service providers,

hospitals, clinics, recipients of grants under title V, State and local health and social service departments, alcohol and drug treatment programs, State and local special supplemental food programs for women, infants and children under section 17 of the Child Nutrition Act of 1966, Medicaid offices, and other organizations providing services to women, infants, children, and families.

"(C) To the maximum extent practicable, comprehensive health and support services under this paragraph should be delivered on site at the health center (including services delivered by outposted Medicaid workers in accordance with section 1902 of the Social Security Act (42 U.S.C. 1396a), by workers eligible to provide services under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), by drug treatment service providers and by others) to ensure access and coordination."

SEC. 3. EXPANSION OF IMMUNIZATION PROGRAMS FOR YOUNG CHILDREN.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 317(j)(1) of the Public Health Service Act (42 U.S.C. 247b(j)(1)) is amended by striking out "and such sums" and all that follows through "1995" and inserting in lieu thereof "\$235,000,000 for fiscal year 1992 and such sums that may be necessary for each of the fiscal years 1993 through 1995.

(b) **VACCINE BULK PURCHASE PROGRAM.**—Part B of title III of such Act is amended—

(1) by redesignating section 317A as section 317B; and

(2) by inserting after section 317 (42 U.S.C. 247b), the following new section:

"SEC. 317A. VACCINE BULK PURCHASE PROGRAM.

"(a) **IN GENERAL.**—The Secretary acting through the Director of the Centers for Disease Control and in accordance with the preventative health grant provisions of subsections (a) and (j)(1)(B) of section 317, shall provide to the health department of each State vaccines for immunization purposes. Not less than \$131,000,000 shall be expended under this section for the purchase of such vaccines.

"(b) **DISTRIBUTION.**—Vaccines provided to States under subsection (a) shall be made available for distribution and immunization services through the public health departments of such States, recipients of grants under sections 329, 330, and 340 in the State, and public health professionals.

"(c) **QUANTITY.**—In determining the quantity of vaccine that is needed by a State under subsection (a), the Administrator of the Health Resources and Services Administration shall make available to the Director of the Centers for Disease Control data from annual reports submitted by recipients of grants under sections 329, 330, and 340. The Director of such Centers shall direct the health department of the State to provide such recipients with an adequate supply of vaccine from the allotment of the vaccine provided to the State."

(c) **IMMUNIZATION DEMONSTRATION PROJECTS FOR OUTREACH PROGRAMS.**—Subsection (b) of section 2 of the Vaccine and Immunization Amendments of 1990 (Public Law 101-502) is amended to read as follows:

"(b) **DEMONSTRATION PROJECTS FOR OUTREACH PROGRAMS.**—

"(1) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of carrying out demonstration projects—

"(A) to provide, without administrative charge, immunizations for vaccine preventable diseases to children not more than 2 years of age who reside in communities

whose population includes a significant number of low income individuals, increasing the capacity of public health departments to deliver vaccines and facilitating outreach activities to improve the percentage of fully immunized children;

"(B) to expand the capacity of public health departments and recipients of grants under sections 329, 330, and 340 of the Public Health Service Act that are co-located with centers providing services under section 17 of the Child Nutrition Act of 1966 in order to provide immunizations to participants in the program established under such section 17 during regular hours, and to enable State health departments working through State directors of the program established under such section 17 to make available to such centers vaccines and adequate funds to administer immunizations; and

"(C) to maintain private physician participation in the provision of immunization services and to encourage private physicians to provide such services to infants and children enrolled for benefits under title XIX of the Social Security Act.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out paragraph (1), there are authorized to be appropriated \$25,000,000 in fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995."

SEC. 4. SUBSTANCE ABUSE PREVENTION AND TREATMENT.

(a) SUPPLEMENTAL HEALTH SERVICES AND ADMINISTRATION.—

(1) MIGRANT HEALTH CENTERS.—Section 329 of the Public Health Service Act (42 U.S.C. 2564b) is amended—

(A) in subsection (a)(7)—

(i) by striking out "and" at the end of subparagraph (L);

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following new subparagraph:

"(M) substance abuse treatment and prevention services; and"; and

(B) in subsection (i)—

(i) by inserting "(1)" after the subsection designation; and

(ii) by adding at the end thereof the following new paragraph:

"(2) In the administration of the programs authorized under this section, the Health Resources and Services Administration shall consult and coordinate with the Office for Substance Abuse Prevention and the Office for Treatment Improvement. The Office of Treatment Improvement shall, to the maximum extent possible, collaborate with other Federal and State agencies to ensure coordination in the planning and delivery of services."

(2) COMMUNITY HEALTH CENTERS.—Section 330 of such Act (42 U.S.C. 254c) is amended—

(A) in subsection (b)(2)—

(i) by striking out "and" at the end of subparagraph (L);

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following new subparagraph:

"(M) substance abuse treatment and prevention services; and"; and

(B) in subsection (j)—

(i) by inserting "(1)" after the subsection designation; and

(ii) by adding at the end thereof the following new paragraph:

"(2) In the administration of the programs authorized under this section, the Health Resources and Services Administration shall consult and coordinate with the Office for

Substance Abuse Prevention and the Office for Treatment Improvement. The Office of Treatment Improvement shall, to the maximum extent possible, collaborate with other Federal and State agencies to ensure coordination in the planning and delivery of services."

(3) HEALTH SERVICES FOR THE HOMELESS.—Section 340(a)(2) of such Act (42 U.S.C. 256) is amended by striking out "and with the Director" and all that follows through the period and inserting in lieu thereof "the Director of the National Institute of Mental Health, the Director of the Office for Substance Abuse Prevention and the Director of the Office for Treatment Improvement."

(b) MODEL PROJECTS FOR REDUCING THE INCIDENCE OF SUBSTANCE ABUSE AMONG PREGNANT AND POSTPARTUM WOMEN.—Section 509F of such Act (42 U.S.C. 290aa-13) is amended to read as follows:

"SEC. 509F. MODEL DEMONSTRATION PROJECTS FOR REDUCING THE INCIDENCE OF SUBSTANCE ABUSE AMONG PREGNANT AND POSTPARTUM WOMEN.

"(a) GRANTS.—The Secretary, acting through the Director of the Office, shall make demonstration grants to public and nonprofit private entities in order to establish substance abuse prevention, education and treatment projects serving pregnant and postpartum women and their infants.

"(b) PRIORITY.—

"(1) IN GENERAL.—In making grants under subsection (a), the Director of the Office shall give priority to any qualified applicant that agrees to provide treatment services.

"(2) FURTHER PRIORITY.—

"(A) In the case of any applicant for a grant under subsection (a) that is receiving priority under paragraph (1), the Director of the Office shall give further priority to applicants commensurate with the extent to which some or all of the services specified in subparagraph (B) are to be provided, directly or through arrangements with other public or nonprofit entities, as part of the project carried out by the applicant with the grant.

"(B) The services referred to in subparagraph (A) are—

"(i) outreach services in the community involved to identify women who are abusing alcohol or drugs and to encourage such women to undergo treatment for such abuse;

"(ii) prenatal and postpartum health care for women who are undergoing treatment for such abuse;

"(iii) for the infants and children of such women, pediatric health care (including screenings regarding the physical and mental development of the infants and children) and comprehensive social services;

"(iv) child care, transportation, and other support services regarding such treatment, including, as appropriate, visits to the home of such women;

"(v) as appropriate, referrals to facilities for necessary hospital services;

"(vi) employment counseling;

"(vii) appropriate follow-up services to assist in preventing relapses;

"(viii) case management services, including assistance in establishing eligibility for assistance under Federal, State, and local programs providing health services, mental health services, or social services;

"(ix) reasonable efforts to preserve and support the family unit, including promoting the appropriate involvement of parents and others, and counseling the children of women receiving services pursuant to this subsection; and

"(x) housing in the course of treatment under circumstances that permit the chil-

dren of the women to reside with their mothers.

"(c) ACCESSIBILITY AND LANGUAGE CONTEXT.—The Director of the Office may not make a grant under subsection (a) unless the applicant for the grant agrees that the services provided pursuant to subsection (a)—

"(1) will be provided at locations accessible to low-income pregnant and postpartum women; and

"(2) will be provided in the language and the cultural context that is most appropriate.

"(d) HEALTH SERVICE COVERED BY STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT.—

"(1) LIMITATION.—Subject to paragraph (2), the Director of the Office may not make a grant under subsection (a) unless, in the case of any health service under subsection (a) that is covered by the State plan approved under title XIX of the Social Security Act for the State in which the service will be provided—

"(A) the applicant for the grant will provide the health service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(B) the applicant for the grant has entered into a contract with an entity under which the entity will provide the health service, and the entity has entered into such a participation agreement and is qualified to receive such payments.

"(2) PARTICIPATION AGREEMENTS.—

"(A) In the case of an entity making an agreement under paragraph (1)(B) regarding the provision of health services under subsection (a), the requirement established in such paragraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(B) A determination by the Secretary of whether an entity referred to in subparagraph (A) meets the criteria for a waiver under such subparagraph shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(e) IMPOSITION OF CHARGES.—The Director of the Office may not make a grant under subsection (a) unless the applicant for the grant agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income and resources of the woman involved; and

"(3) will not be imposed on any woman with an income of less than 100 percent of the official poverty line, as established by the Director of the Office for Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(f) DISTRIBUTION OF GRANTS.—In making grants under subsection (a), the Director of the Office shall ensure that the grants are equitably allocated among the principal geographic regions of the United States, subject to the availability of qualified applicants for the grants.

"(g) REQUIREMENT OF NON-FEDERAL CONTRIBUTIONS.—

"(1) IN GENERAL.—The Director of the Office may not make a grant under subsection

(a) unless the applicant for the grant agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than—

"(A) \$1 for each \$9 of Federal funds provided for the first year of payments under the grant; and

"(B) \$1 for each \$3 of Federal funds provided in any subsequent year of such payments.

"(2) TYPE OF CONTRIBUTION.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(h) LIMITATIONS AND WAIVER.—

"(1) LIMITATIONS.—The Director of the Office may not, except as provided in paragraph (2), make a grant under subsection (a) unless the applicant for the grant agrees that the grant will not be expended—

"(A) to provide inpatient services, except with respect to residential treatment for alcohol and drug abuse provided in settings other than hospitals;

"(B) to make cash payments to intended recipients of services under the program involved;

"(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment; or

"(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(2) WAIVER.—If the Director of the Office finds that the purpose of the program involved cannot otherwise be carried out, the Director may, with respect to an otherwise qualified grantee, waive the restriction established in paragraph (1)(C).

"(i) ANNUAL REPORTS.—The Director of the Office may not make a grant under subsection (a) unless the applicant for the grant agrees—

"(1) to submit to the Secretary an annual report that describes the utilization and costs of services provided under the grant;

"(2) to include in the report the number of women served, the number of infants served, and the type and costs of services provided; and

"(3) to include in the report such other information as the Secretary determines to be appropriate; and

"(4) to prepare the report in such form, and to submit the report in such manner, as the Secretary determines to be necessary.

"(j) APPLICATION.—The Director of the Office may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(k) PAYMENTS.—The period during which payments are made by the Director of the Office under a grant under subsection (a)

may not exceed 5 years, but may be renewed. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved to make the payments.

"(1) EVALUATIONS.—The Director of the Office shall evaluate projects conducted with grants under this section.

"(m) COLLABORATION WITH OTHER FEDERAL AGENCIES AND WITH STATES.—The Director of the Office shall collaborate with all other relevant Federal agencies on issues relating to maternal substance abuse, including the Office for Treatment Improvement, the Bureau of Maternal and Child Health and Resources Development, the Indian Health Service, the Bureau of Health Care Delivery and Assistance, and the Office of Human Development Services. Such collaboration may be accomplished through the establishment of interagency task forces, as appropriate. The Director shall collaborate with the States to ensure that grants awarded under this section are coordinated with other treatment efforts undertaken within each State.

"(n) REPORT.—Not later than October 1, 1992 and every 2 years thereafter, the Director of the Office shall submit to the appropriate committees of Congress a report describing programs carried out pursuant to this section. Each such report shall include any evaluations conducted under subsection (1) during the preceding fiscal year."

SEC. 5. SMOKING CESSATION IN PREGNANCY.

Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended by adding at the end thereof the following new subsection:

"(m)(1) The Secretary, acting through the Director of the Centers for Disease Control, shall assist the prenatal clinics in the United States in implementing smoking cessation programs to decrease rates of smoking during pregnancy. The Secretary may make grants to or enter into contracts with—

"(A) State departments of health;

"(B) after consultation with State authorities, to local departments of health; and

"(C) other public entities;

to assist such departments, authorities and entities in implementing effective programs and policies to prevent tobacco use during pregnancy.

"(2) Not less than 80 percent of the amounts appropriated under this subsection in each fiscal year shall be made available to the eligible recipients of grants and contracts under this subsection.

"(3) There are authorized to be appropriated to carry out this subsection, \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995."*

By Mr. WARNER (for himself and Mr. ROBB):

S. 498. A bill to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, Virginia, as the "Hugh Davis Memorial Wing"; to the Committee on Veterans' Affairs.

HUGH DAVIS MEMORIAL WING

* Mr. WARNER. Mr. President, I rise today to introduce legislation on behalf of myself and Senator ROBB to designate the clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, the construction of which began in 1988, as the "Hugh Davis Memorial Wing." The same bill has been introduced by my colleague in

the House of Representatives, Congressman JAMES OLIN.

Mr. Davis' Federal career spanned a period of 47 years, starting in 1941 and more than 40 years were spent in service to the Veterans' Administration. During his senior year in high school, at the age of 16, he passed a Civil Service Exam for a clerk-typist position and was subsequently selected for a job with the Finance Department of the U.S. Army. High school officials let him skip classes in the spring and come back at the end of the year to take final exams. He continued in his job with the Army until June 1943, at which time he was inducted into the Army. Following his discharge in 1946, Mr. Davis returned to Federal service, this time with the Veterans' Administration in Nashville, TN.

Mr. Davis studied law at night at Andrew Jackson University and received a bachelor of law degree in 1950. He also took classes in accounting, management, and hospital and business administration at the University of Virginia, University of Tennessee, Indiana University, and George Washington University.

Mr. Davis advanced through the ranks in the Veterans' Administration and was assigned to numerous veterans facilities throughout the United States. Prior to transferring to the Medical Center in Salem Mr. Davis was assigned to veterans facilities in Memphis and Mountain Home, TN, Fort Wayne, IN, Lexington, KY, Biloxi, MS, Fayetteville, AR, and the central office in Washington, DC. Mr. Davis arrived at Salem in 1972 and served as Director for 17 years until his death in March 1989.

Important changes occurred at the Salem facility under the leadership of Mr. Davis. The physical plant, as well as the mission and capability, of the Salem facility was expanded toward the goal of providing a full range of services to veterans. The completion of the new chapel was a proud accomplishment that Mr. Davis had pursued for many years. The new outpatient/nursing clinical addition was the accomplishment to which Mr. Davis was most dedicated and one which he closely followed until the time of his death.

Mr. President, the designation of the new clinical wing at the Veterans Affairs Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing", is a fitting tribute to this untiring leader whose accomplishments will better the lives of many of our veterans.

Mr. President, I ask unanimous consent that the entire text of the bill be placed in the RECORD at the end of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CLINICAL WING AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN SALEM, VIRGINIA.

The clinical wing at the Department of Veterans Affairs Medical Center in Salem, Virginia, the construction of which began in 1988, shall be known and designated as the "Hugh Davis Memorial Wing". Any reference to such clinical wing in any law, map, regulation, document, paper, or other record of the United States shall be considered a reference to the Hugh Davis Memorial Wing. •

• Mr. ROBB. Mr. President, I'm pleased to join my senior colleague from Virginia, Senator WARNER, in cosponsoring legislation which designates the new clinical building at the Department of Veterans Affairs Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing."

Mr. Davis contributed 47 years of his professional life to public service. He passed the civil service examination when he was 16, spent 3 years in the U.S. Army, and dedicated 40 years to the Department of Veterans Affairs. From 1972 until his death in 1989, Hugh Davis served as the Administrator of the Department of Veterans Affairs Medical Center in Salem, VA.

As Administrator, Mr. Davis was particularly committed to the creation of a new clinical wing for the medical center, a \$65 million project which is scheduled to be completed either later this year or by the spring of 1992. Although Mr. Davis did not live long enough to see Virginia's veterans benefit from this new addition, I'm pleased to join Senator WARNER in introducing legislation designating this building the "Hugh Davis Memorial Wing." •

By Mr. LUGAR (for himself and Mr. COCHRAN):

S. 499. A bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PROVISION OF FLUID MILK

• Mr. LUGAR. Mr. President, I rise today to introduce legislation affecting the future health of our Nation's children.

The leading cause of death in the United States is heart disease. According to the Surgeon General, more than 1.25 million heart attacks occur each year and more than 500,000 people die as a result. There is extensive and consistent evidence that dietary fat and cholesterol are related to coronary heart disease. The Surgeon General of the United States recommends reducing the intake of total fat and saturated fat in the American diet in order to reduce the incidence of heart disease.

The second leading cause of death in the United States is cancer. There is substantial, though not conclusive, evidence that dietary fat increases the risk for cancers of the breast, colon, and prostate. The Surgeon General suggests that reducing fat consumption in the general public might reduce the risk for certain cancers.

The medical costs of diet-related disorders are contributing to the current escalating costs of health care in the United States, including physician visits, hospital admission, diagnosis, and treatment. One of the indirect costs includes the time lost from work by persons suffering from these conditions. The cost is unmeasurable of the reduced quality of life for persons suffering from these conditions and other people in their lives.

It is commonly accepted that eating habits developed early in life tend to continue throughout life. Thus, healthful eating patterns established early in life will help prevent diet-related health problems later in life.

The bill I am introducing today amends the National School Lunch Act to encourage local professionals to help children choose foods that are lower in fat.

The legislation eliminates a provision in the National School Lunch Act which requires that whole milk and unflavored lowfat milk be offered to the 25 million students who receive federally subsidized lunches under the program. Local professionals would be allowed to serve the type or types of milk which they believe would be most healthful and nutritious for the students in their charge. In some cases, the choice might be to serve 2-percent milk. In other cases, the choice might be both 2-percent and whole milk. In my view however, serving whole milk in all cases should not be mandated by Congress.

Mr. President, there is a body of scientific and medical evidence to support eliminating the requirement that schools serve whole milk. Two years ago, the Surgeon General's Report on Nutrition and Health was released. That report identified excessive fat consumption as the biggest problem in the American diet. According to the report, "some studies indicate that diets high in total fat are associated with higher obesity rates. In addition, there is substantial, although not yet conclusive, epidemiologic and animal evidence in support of an association between dietary fat intake and increase risk for cancer, especially breast and colon cancer. * * * At present, dietary fat accounts for about 37 percent of the total energy intake of Americans."

The Dietary Guidelines for Americans, jointly issued by the Secretaries of Agriculture and Health and Human Services, provide recommendations for healthy Americans over age 2. These guidelines suggest lowering fat intake

for most Americans. The dietary guidelines recommend that 30 percent, or less, of calories come from fat. They suggest choosing skim or lowfat milk. According to the guidelines, one cup of skim milk has only a trace of fat. One cup of 2-percent milk has 5 grams of fat. A cup of whole milk has 8 grams of fat.

Moreover, the guidelines suggest that less than 10 percent of calories come from saturated fat. It is important to note that the goals of 30 percent for total fat and 10 percent for saturated fat apply to people's entire diet, not to any one food or to any one meal. However, according to calculations by Public Voice for Food and Health Policy, in whole milk approximately 48 percent of calories come from fat and 30 percent of calories from saturated fat. For 2-percent milk, 35 percent of calories come from fat and 18 calories from saturated fat.

Other professional information is available specifically regarding the school lunch program. In December 1990, the Citizens' Commission on School Nutrition released a white paper on School Lunch Nutrition urging that lowfat milk be served. Also the white paper urged that, in the short term, school lunches should average 35 percent of calories from fat.

The most recent National Health and Nutrition Examination Survey showed that 6- to 19-year olds obtain nearly 37 percent of their daily calories from fat. This amount is above the white paper's short-term goal of 35 percent and the dietary guidelines recommendation of 30 percent. The Center for Science in the Public Interest and Marriott Corp. sampled menus from three school lunch programs. The results were that two of the programs averaged 42 percent of calories from fat. The third program averaged 41 percent of calories from fat when whole milk was served and 35 percent with skim milk.

Mr. President, the foregoing information indicates that we should consider some means of reducing fat in the school lunch program. One easy way to cut back on fat is to encourage consumption of lowfat milk. Milk provides important nutrients such as vitamin A, vitamin D, riboflavin, and calcium. Generally speaking, lowfat milk provides these same nutrients without as much fat. Moreover, anecdotal evidence indicates that this method of reducing fat would not make lunches less palatable for children. In 1980, when many schools switched to lowfat milk only, professionals in this field did not report student dissatisfaction.

My bill is not the exact recommendation of the white paper on school-lunch nutrition. It recommended banning whole milk and serving only lowfat milk. I could not agree with that recommendation because there may be circumstances where local professionals determine that some children

or groups of children should consume whole milk. In a time in which we discuss educational choice, this local choice should be available to professionals.

Also, Mr. President, the Federal requirement to serve various types of milk is an administrative headache for local school lunch managers. Local school food service managers, who are professional meal planners, should have the flexibility to choose the most healthy option for their children without unnecessary Federal redtape and interference. Local professionals are more qualified to make the proper beverage selections for their children than is Congress. In fact, the American School Food Service Association, which represents school lunch administrators, has recommended that current law be amended. Eliminating the whole milk requirement also is supported by the American Heart Association, the American Dietetic Association, the Society for Nutrition Education, the Food Research and Action Center, Public Voice for Food and Health Policy, and the Center for Science in the Public Interest.

Mr. President, my bill would reduce Federal interference and reduce fat in the diets of our students. But, I wish to be clear about one thing. Milk is a highly nutritious food. My intention in introducing this bill is not to denigrate its wholesomeness, but to encourage consumption of the lower fat varieties. My intention is to allow local professionals to determine which type of milk children should drink. That decision best rests with local professionals, not Congress.

Mr. President, I ask that a copy of my bill be printed in the RECORD. I urge my colleagues to support this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF FLUID MILK.

Paragraph (2) of section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)) is amended to read as follows:

"(2) Lunches served by schools participating in the school lunch program under this Act shall offer students fluid milk."•

By Mr. DASCHLE (for himself and Mr. CRANSTON):

S. 500. A bill to require the Secretary of Veterans Affairs to contract with private facilities to ensure that provision of medical care to members of the Armed Forces on active duty does not adversely affect the provision of hospital care, nursing home care, and medical services to veterans eligible for such care and services, and for other purposes; to the Committee on Veterans' Affairs.

PROVISION OF CERTAIN MEDICAL CARE

Mr. DASCHLE. Mr. President, today Senator CRANSTON and I are introducing legislation to ensure that current veterans who are eligible to receive VA health care are not denied health care services as a result of VA treatment of Persian Gulf-related casualties. Given the strain that already exists on many VA health care facilities, this bill is necessary to prevent any further erosion of services for current veterans in the event that VA hospitals are used to care for casualties of the current conflict in the Persian Gulf.

Let me make clear my hope that circumstances in the gulf never trigger this legislation.

The Departments of Defense and Veterans Affairs have established a plan under which the VA will accept Persian Gulf casualties if large-scale casualties should overburden military hospitals. I am hopeful that diplomatic efforts will bring a quick end to this war and that there will be no more casualties. And even if the war continues, I am hopeful, as we all are, that casualties will be held to an absolute minimum. In either of these cases, the bed space provided in the VA contingency plan would not be needed by the Department of Defense.

However, in the event that VA bed space is needed, we must ensure that the contingency plan also covers current veterans who depend on the VA for health care. It is absolutely vital that we address the health care needs of the men and women serving in the Persian Gulf. But, in doing so, we should not forget the men and women who served before them.

Section 1 of the bill specifies that it is the responsibility of the Department of Veterans Affairs to ensure that health care services to eligible veterans are not degraded as a result of VA treatment of Department of Defense personnel. This section requires the VA to contract with private health care facilities for treatment of any veterans who are eligible for VA health care, but who either are denied access to VA care and services or suffer a reduction in necessary services as a result of VA treatment of Persian Gulf-related casualties.

Section 2 of the bill requires the Department of Defense to reimburse the Department of Veterans Affairs for any additional costs incurred by the VA as a result of VA contracts with private health care facilities entered into under section 1. Specifically, the Department of Defense would be asked to cover the difference, if any, between the cost of the VA providing the health care by contract and the cost that would have been incurred if the services had been provided directly by the VA. The only cost to the Department of Defense would be to cover any additional charges the VA incurs as a di-

rect result of the VA's treatment of Department of Defense personnel.

Section 3 defines, for purposes of this bill, the term "Persian Gulf War," as "the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law."

Section 4 clarifies the treatment of costs under the bill by stating that the costs of the bill, as a result of its direct relationship to Operation Desert Shield, are exempt from the discretionary spending caps as established in Public Law 101-508, the fiscal year 1991 budget reconciliation bill. Public Law 101-508 allowed the spending caps to be waived for emergency expenditures specifically related to Operation Desert Shield, and the circumstances to be addressed in this bill fall clearly into that war-related emergency category.

Again, Mr. President, I hope the provisions of this bill are never triggered. However, they are necessary to ensure that both our current and future veterans will continue to receive the treatment they have earned. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF MEDICAL CARE TO ELIGIBLE VETERANS DURING PERIOD WHEN MEDICAL CARE IS PROVIDED TO ACTIVE DUTY MEMBERS OF THE ARMED FORCES.

(a) REQUIREMENT TO SUSTAIN THE LEVEL OF CARE AND SERVICES FURNISHED NON-MEMBERS OF THE ARMED FORCES.—The Secretary of Veterans Affairs shall ensure that there is no reduction in the levels of hospital care, nursing home care, and medical services furnished to eligible persons as a result of the furnishing of such care and services to members of the Armed Forces pursuant to section 5011A(a) of title 38, United States Code, for or in connection with injuries or illnesses incurred or aggravated during the Persian Gulf War.

(b) REQUIREMENT FOR CONTRACT CARE.—The Secretary shall contract with facilities other than those of the Department of Veterans Affairs for the furnishing of hospital care, nursing home care, or medical services to eligible persons to the extent necessary to meet the requirement in subsection (a).

(c) DEFINITION.—For the purposes of this section, the term "eligible person" means a person eligible to receive hospital care, nursing home care, or medical services under laws administered by the Department of Veterans Affairs, but does not include a member of the Armed Forces being furnished hospital care, nursing home care, or medical services pursuant to section 5011A(a) of title 38, United States Code.

SEC. 2. REIMBURSEMENT FOR CARE.

In any case in which hospital care, nursing home care, or medical services are provided by contract with a facility other than a facility of the Department of Veterans Affairs under the authority of section 1, the Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the amount of

the difference (if any) between the costs of providing such care or services by contract and the cost (as determined by the Secretary of Veterans Affairs) of providing such care or services in medical facilities of the Department of Veterans Affairs.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The terms "hospital care", "nursing home care", and "medical services" have the meanings given such terms in sections 601(5), 101(28), and 601(6) of title 38, United States Code, respectively.

(2) The term "Persian Gulf War" means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

SEC. 4. TREATMENT OF COSTS.

For the purposes of section 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), as amended by section 13101 of Public Law 101-508, all direct or discretionary spending contained in this Act are emergency expenditures related to Operation Desert Shield and shall be considered as having been designated and treated as emergency expenditures pursuant to those sections and as not being subject to spending limits under that Act.

By Mr. KOHL:

S. 501. A bill to establish a data collection, information dissemination, and student counseling and assistance network, and for other purposes; to the Committee on Labor and Human Resources.

STUDENT COUNSELING AND ASSISTANCE NETWORK ACT

Mr. KOHL. Mr. President, I rise to introduce legislation which will help people get information about existing sources of financial aid for prospective college students.

My legislation has been developed in cooperation with the National Association of College Admission Counselors, the National Council of Educational Opportunity Associations, the National Association of Independent Colleges and Universities, the American Council on Education, National Association of Student Financial Aid Administrators, OMB Watch, and the College Board. I ask unanimous consent that letters of support from several of these groups be inserted in the RECORD after the text of the bill which I also ask be printed in the RECORD.

Mr. President, this legislation is an attempt to break down some of the barriers to financial aid. It responds to a concern that I have heard whenever I talk to high school students or their parents. And that concern is simple: How are we going to pay for a college education?

For just about anyone of modest means, it's next to impossible to pay for a college education out of pocket. Parents can't save enough and kids can't earn enough to meet the \$10,000 to \$20,000 a year costs of a college education. And while they may know that there are some forms of help available, no matter how hard they try, they just can't pull together all the information

on public and private aid that's available. It's just not located in one place. School counselors do their best, but the sources to which they have access are limited. They usually end up giving the same information to everyone who asks with no attempt to tailor the material to the special circumstances of each student and family.

And the plain truth is that the generic material they have isn't all that useful. Some time ago, the Department of Education used to put out a pretty good booklet on State and Federal sources that at least could get these families going. That handy 80-page guide has now been replaced with an 18-page factsheet that is not nearly as valuable. And if it weren't for the distribution services of the National Association of College Admission Counselors, even that would be largely unavailable. We can do better.

And I believe we have to do better. I am absolutely convinced that there are millions of kids who would like to go to college but simply write it off as an impossible dream because of the staggering costs of a college education. And there are many who choose their school based on the financial aid—or lack of it—they think is available. So we lose some extra talent because we don't get the word out on choices.

Early intervention has been proven to work with some of the lowest income families. We know through public programs like TRIO and private programs like Eugene Lang's "I Have a Dream" that if college is seen as a realistic option, then kids work harder in high school and get better grades and learn more. And we know from the press coverage surrounding our volunteer forces deployed in the Persian Gulf that many of those young people joined the armed services because it was the only way they thought they could get job skills and college educations. This legislation, if enacted, would enable us to intervene in more of those lives early on—through counselors, through information and dissemination programs, and through a massive public service announcement campaign.

Mr. President, every day our kids see ads on TV telling them to "Be All That You Can Be—Join the Army." But they never see a Department of Education advertisement telling our Nation's young people that "Uncle Sam Wants You—In College."

Now there is nothing—nothing—wrong with the Army's campaign. It's first-class marketing and it works. But there is something wrong with a system that spends millions persuading our kids that the Armed Forces are the best way to get a college education and spends nothing on promoting other methods of achieving that goal. After all, with the manpower cuts going into effect, military service isn't going to be as open a path as it used to be—so

we better start giving people a road map with other directions on it.

Compare the national investments in recruiting and advertising, between the Department of Education and the Pentagon. In 1991, the armed services will spend approximately \$400 million on recruitment. They'll spend an additional \$210 million on advertising. There is nothing wrong with that Mr. President. Many members of our top notch volunteer force fighting today in Kuwait are there because we made a commitment to recruiting and advertising careers in the Armed Forces. But in contrast, there is virtually no budget for the Department of Education to recruit students to college. There is virtually no budget to advertise our critical education needs and the skills that will be vital to restoring the U.S. position in international competitiveness. It is interesting, Mr. President—and our colleague from Rhode Island who chairs the Senate Labor and Human Resources Subcommittee on Education can probably speak to this better than I—that when these student aid programs were pulled together back in the seventies, Congress intended there to be a major marketing and recruiting component. That didn't happen for a variety of reasons, but I'm hopeful we can get back on track.

Mr. President, the best chance we have of a bright future lies with our young people. If they do not aspire, we fail. The Student Counseling Assistance Network Act is designed to foster those aspirations and then to make the "how to" part a bit less bureaucratic and much more accessible to counselors, librarians, students, parents and educators.

I urge my colleagues to join me in co-sponsoring this proposal and ask unanimous consent that a summary of the provisions of the bill, the bill text and the attached letters of support be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act may be cited as the "Student Counseling and Assistance Network Act of 1991".

SEC. 2. FINDINGS.

Congress finds that—

(1) postsecondary education is not perceived to be a viable option for many students in the United States whose family background, economic situation, or experience are such that access to information concerning educational opportunities and financial assistance is limited;

(2) an increasing number of students in the United States are aware of the rising costs associated with postsecondary education, including tuition and housing, yet are not aware of the means available to finance higher education and the long-term value associated with an investment of time and fi-

financial resources in a postsecondary program of study, and many economically disadvantaged students in the United States have the perception that the only means of financing postsecondary education is by joining the Armed Forces and earning educational benefits;

(3) school counselors, librarians, teachers, principals, parents, staff of programs assisted under subpart 4 of part A of title IV of the Higher Education Act of 1965, and students must receive thorough information regarding postsecondary education and financial aid opportunities, much of which is already in existence but not readily available;

(4) middle, junior high, and secondary schools must respond to the growing need for information and guidance by—

(A) providing guidance with proper course selection and good study skills and habits from grades 7 through 12;

(B) securing parental and guardian involvement in the acquisition of study skills by students and the provision of assistance with homework;

(C) expanding parental understanding of college costs and of the variety of forms of student financial assistance and savings plans for postsecondary education, as well as supplying information about how to apply for such assistance; and

(D) establishing programs that involve community assistance for schools by providing tutoring, mentoring, work experience, and other vital services, so that students can learn and study in an environment conducive to furthering education after high school graduation;

(5) educators and administrators, such as school counselors, librarians, teachers, principals, other State and local school administrators, staff of programs assisted under subpart 4 of part A of title IV of the Higher Education Act of 1965, and school boards, need to know what types of precollege guidance and counseling programs work in various settings, such as rural, suburban, and inner city settings, in order to fashion and adapt programs for their schools, and must have specific training in precollege guidance and counseling and college admissions counseling;

(6) early intervention information dissemination programs have successfully introduced precollege planning to younger students and their families, but there exists no good, organized, nationwide method of sharing information about such programs within the schools, community, agencies, and other organizations that can and should implement such programs;

(7) the provision of postsecondary information is a proper and necessary activity of the Federal Government;

(8) the "Be All That You Can Be" campaign by the Department of the Army has demonstrated the effectiveness of a decentralized information dissemination program to alert young people to educational advantage and opportunities;

(9) improved information collection, affirmative dissemination of information, and presentation of data in electronic and print formats which support analysis, public understanding, and communication will assist efforts to promote participation in postsecondary educational activities;

(10) despite the vast quantities of information related to postsecondary information collected by the Department, neither the Department nor the public can effectively find and use such information;

(11) information about postsecondary opportunities and public access to such information

needs to be continuously expanded and strengthened, and there needs to be ongoing and timely dissemination of such information, and identification and development of effective distribution channels to improve the usefulness of such information to traditional and nontraditional students; and

(12) traditional cost-benefit criteria are not appropriate to evaluate the collection and dissemination of postsecondary information.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) promote the quality and public awareness of, access to, and use of, information resources concerning financial assistance for postsecondary education;

(2) stimulate greater public participation in postsecondary educational opportunities by disseminating relevant information to the public through electronic and other means;

(3) improve upon and coordinate information resources that may assist educators, administrators, students, and parents in making decisions that affect participation in postsecondary education activities;

(4) develop and support initiatives to improve communication between individuals and organizations counseling students regarding postsecondary education;

(5) encourage the integration and synthesis of publicly available information about postsecondary educational opportunities (regardless of format) that may be useful in preparation for or participation in education after high school graduation or its equivalent;

(6) provide for public participation in the design, testing, and implementation of programs and activities that make postsecondary information products and services publicly accessible; and

(7) ensure that Department postsecondary information activities are conducted in such a manner as to—

(A) improve the quality of decisionmaking, regulation, and program management;

(B) assist school counselors and admissions officers in providing guidance to school personnel, students, parents, and others in the community; and

(C) encourage public use of information regarding postsecondary education and financial assistance, including minimizing fees so as not to deter public access to such information.

SEC. 4. INFORMATION AND COUNSELING SERVICES.

(a) IN GENERAL.—The Secretary shall establish information and counseling services within the Department for the purpose of—

(1) collecting information concerning—

(A) existing effective, early intervention programs that provide financial aid information and dissemination; and

(B) existing exemplary precollege guidance and counseling and college admission counseling programs that operate—

(i) in local schools;

(ii) in colleges and universities;

(iii) at the State level;

(iv) through professional education associations; and

(v) through other organizations;

(2) establishing a national clearinghouse at the Department to—

(A) publish, publicize, and disseminate information on precollege guidance and counseling and college admission counseling programs; and

(B) provide linkage and coordination among existing clearinghouses; and

(3) offering assistance to schools and institutions that wish to implement such programs.

(b) GRANTS.—The Secretary shall award grants or enter into contracts to—

(1) develop model precollege guidance and counseling and college admission counseling programs for use in various types of schools and institutions, including tools and resources for dissemination to students and parents by counselors and other educators;

(2) train school counselors and admissions officers to work with parents, guardians, and other individuals in the community, such as after-school care providers, recreation workers, parent-teacher organizations, school board members, and youth and community agency representatives, so that information is widely available regarding both the establishment of student counseling and assistance programs and the content of such programs; and

(3) assess the effectiveness of student counseling and assistance programs under this Act and to make recommendations modifying such programs as necessary for maximum effectiveness.

(c) AWARD OF GRANTS AND ENTRY OF CONTRACTS.—In making grants and entering into contracts under subsection (b), the Secretary shall give preference to any applicant for such a grant that has the ability to recruit economically disadvantaged, minority, and other at-risk students.

(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (b), an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such agreements, assurances, and information as the Secretary may reasonably require.

(e) ELIGIBLE ENTITIES.—Entities eligible to receive grants or enter into contracts under subsection (b) shall include public and nonprofit private entities that are concerned with the availability of higher education assistance.

SEC. 5. PUBLIC ACCESS TO INFORMATION RESOURCES.

(a) GUIDE TO INFORMATION SERVICES.—The Secretary shall develop, maintain, and widely disseminate an annual comprehensive and detailed guide to postsecondary information services, producers, and systems. The guide shall—

(1) be publicly available in electronic and hard copy formats;

(2) be updated on at least a semiannual basis;

(3) include information from public and private sources; and

(4) provide information regarding—

(A) the source of each item and details about the method of collection, format of the information, and purposes and description of the item;

(B) public availability and price of each item;

(C) an official to contact regarding each item; and

(D) other relevant information.

(b) INTEGRATION OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall—

(A) identify and develop policies, programs, and methods for cross-linking and integrating information relevant to postsecondary education; and

(B) establish an intra-agency working group (in this Act referred to as the "Working Group") to—

(i) consider standard formats for data collection, retrieval, storage, and archiving;

(ii) identify efforts needed to cross-link existing data bases; and

(iii) recommend data bases that can be integrated and made publicly accessible—

- (I) on the date of enactment of this Act;
- (II) within 1 year of the date of enactment of this Act;
- (III) within 2 years of the date of enactment of this Act; and

(IV) after the period described in subclause (III).

(2) **ESTABLISHMENT DATE.**—The Working Group shall be established not later than 6 months after the date of the enactment of this Act.

(3) **REPORT.**—The Secretary shall review recommendations of the Working Group and report to Congress within 1 year after the date of the enactment of this Act and biennially thereafter on activities undertaken to encourage the cross-linking and integration of postsecondary information products and services.

(c) **TASK FORCE ON PUBLIC ACCESS.**—

(1) **ESTABLISHMENT.**—There is established a Task Force on Public Access (in this Act referred to as the "Task Force") to provide recommendations on improving the Department's dissemination of postsecondary information.

(2) **COMPOSITION.**—(A) The Task Force shall be composed of 25 members appointed by the Secretary. In approving members of the Task Force, the Secretary shall ensure that the Task Force—

(i) is fairly balanced with respect to the points of view represented by members of the Task Force;

(ii) has members who have an understanding and appreciation of disseminating and otherwise making postsecondary information publicly accessible; and

(iii) includes members appointed from among individuals representing—

- (I) the Department;
- (II) school counselors or college admissions counselors, libraries, and administrator organizations;
- (III) postsecondary institutions;
- (IV) State and local educational agencies;
- (V) parents;
- (VI) teacher organizations;
- (VII) organizations representing staff of programs under subpart 4 of part A of title IV of the Higher Education Act of 1965;
- (VIII) public interest groups; and
- (IX) other appropriate groups or organizations.

(B) The Secretary shall designate a member of the Task Force to serve as chairperson of the Task Force and shall provide such person with staff support from the Department equivalent to not less than two full-time employees, if requested by the chairperson.

(C) The Task Force shall meet at the call of the chairperson of the Task Force, but in no case less than 6 times each year.

(D) No member of the Task Force shall receive compensation for service on the Task Force, but members may be paid travel and transportation expenses by the Secretary under section 5703 of title 5, United States Code, in the same manner as an employee serving intermittently in Government service.

(3) **DUTIES.**—The Task Force shall—

(A) identify short-term and long-term information collection and dissemination needs regarding postsecondary education that can and should be filled by the Department, and make recommendations to the Secretary and to the Congress regarding Department responses to such needs;

(B) make recommendations to the Secretary and to the Congress for establishing priorities for public access to Department

postsecondary information and for implementing such priorities; and

(C) make any other recommendations regarding Department information collection and dissemination policies and practices that would contribute to improved postsecondary educational participation, including the feasibility of instituting a uniform financial aid application form for all programs and institutions.

(4) **APPOINTMENT DATE.**—The Secretary shall complete appointments of members of the Task Force not later than 6 months after the date of the enactment of this Act.

(d) **STUDENT COUNSELING AND ASSISTANCE NETWORK.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a Student Counseling and Assistance Network (SCAN) that—

(A) provides public access through computer telecommunications, a toll-free information hotline, and other means to—

(i) the information collected for the guide described in subsection (a);

(ii) information concerning public and private financial assistance to postsecondary schools and the qualifications for such assistance, including individual need, talents, interest, and financial capabilities; and

(iii) information regarding the location of colleges, application deadlines, administration requirements and costs of matriculation, and how to obtain application forms for entrance and financial aid;

(B) provides use of electronic mail and electronic conferencing services involving students, parents, educators and administrators (such as school counselors, librarians, teachers, staff of programs under subpart 4 of part A of title IV of the Higher Education Act of 1965, principals, other State and local administrators, and school boards) to improve—

(i) curricula choices in secondary school;

(ii) guidance toward good study skills and habits;

(iii) student and parental understanding of postsecondary options, including financial options; and

(iv) participation in education after high school graduation;

(C) promotes ways to make telecommunications efforts easy to use by the public;

(D) trains the public on ways to access Department postsecondary information;

(E) evaluates other electronic technologies in supplementing telecommunications to fulfill the public dissemination obligations of the Department under this Act; and

(F) conducts a study on standards that will improve the handling of postsecondary information through its lifecycle, from collection to dissemination, including improved management of Department resources consistent with other laws and regulations.

(2) **SPECIAL RULE.**—Nothing in this subsection shall be construed to require the public disclosure of—

(A) any information which is protected under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

(B) any information which is protected by procedures established under the Privacy Act.

(e) **USER FEES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall establish a pricing policy, including reduction or waiver of any user fees, for public access to information provided under this Act. Such policy—

(A) shall establish different prices for commercial and noncommercial uses; and

(B) may establish multiple levels of services and prices for such services.

(2) **ABILITY TO PAY.**—The ability to pay shall not be a barrier to access or participation in student counseling and assistance network described in subsection (d).

(3) **DATE.**—The policy described in paragraph (1) shall be developed within 1 year or the date of the enactment of this Act and shall incorporate the views of the public.

(f) **REPORT.**—The Secretary shall annually report to the Congress on—

(1) efforts to cross-link and integrate information products and services, including Department response to recommendations of the Working Group;

(2) efforts to improve public access to Department information, including Department response to recommendations of the Task Force;

(3) information dissemination activities authorized under this section; and

(4) other issues related to the implementation of this Act.

SEC. 6. HIGHER EDUCATION RECRUITMENT EFFORT.

(a) **GRANTS AUTHORIZED.**—The Secretary may award grants and enter into contracts with eligible entities to develop and deliver public service announcements and paid advertising messages that encourage individuals to—

(1) seek higher education; and

(2) use the SCAN services described in section 5(d)(1).

(b) **AWARD OF GRANTS AND ENTRY OF CONTRACTS.**—In making grants and entering into contracts under subsection (a), the Secretary shall give preference to any applicant for such a grant that has the ability to recruit economically disadvantaged, minority, and other at-risk students.

(c) **APPLICATION.**—To be eligible to receive a grant or enter into a contract under subsection (a), an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such agreements, assurances, and information as the Secretary may reasonably require.

(d) **ELIGIBLE ENTITIES.**—Entities eligible to receive grants or enter into contracts under subsection (a) shall include public and nonprofit private entities that are concerned with the availability of higher education assistance.

(e) **GUIDELINES.**—The Secretary shall, not later than 90 days after the date of enactment of this section, publish guidelines to provide procedures for—

(1) submission of applications under subsection (c); and

(2) public comment.

SEC. 7. DEFINITIONS.

For the purposes of this Act—

(1) the term "Department" means the Department of Education;

(2) the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "Secretary" means the Secretary of Education; and

(4) the term "State educational agency" has the meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **COUNSELING PROGRAMS.**—There are authorized to be appropriated \$20,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994, to carry out the provisions of section 3.

(b) **DATA BASE AND HOTLINE.**—There are authorized to be appropriated \$40,000,000 for fis-

cal year 1992, \$30,000,000 for fiscal year 1993, and \$10,000,000 for fiscal year 1994, to carry out the provisions of section 5.

(c) NATIONAL INFORMATION PROGRAMS.—

(1) IN GENERAL.—There are authorized to be appropriated \$70,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994, to carry out the provisions of section 6.

(2) RESERVATIONS.—The Secretary shall make available not less than half of the amounts appropriated under the authority of paragraph (1) to carry out the provisions of section 6 through grants to entities providing targeted messages to economically disadvantaged minority populations.

SUMMARY OF KOHL EARLY INTERVENTION AMENDMENT TO HIGHER EDUCATION REAUTHORIZATION BILL—STUDENT FINANCIAL ASSISTANCE NETWORK (SCAN) ACT OF 1991

Purpose: To promote the quality and public awareness of, access to and use of information resources concerning financial assistance to postsecondary education, stimulate greater public participation in postsecondary educational opportunities by disseminating relevant information to the public through electronic and other means; improve upon and coordinate information resources that may assist educators, administrators, students and parents in making decisions that affect participation, develop and support initiatives to improve communication among individuals and organizations concerned about student counseling of postsecondary education and otherwise ensure that the Department of Education postsecondary information activities are conducted in such a manner as to improve the quality of decisionmaking, regulation, and program management.

TITLE I: INFORMATION AND COUNSELING SERVICES

Requires DoE to collect information concerning existing early intervention programs that provide financial aid information and dissemination along with exemplary precollege and college guidance and counseling programs.

Establishes a national clearinghouse in Ed to publish and disseminate information and to offer assistance to schools and institutions that wish to implement precollege guidance and counseling and college admission counseling programs and to develop such model programs and provide effectiveness assessment.

Authorizes training of school counselors and admissions officers to work with parents and community members so that information is widely available regarding both the establishment and content of student counseling and assistance programs.

\$20 million are authorized for the early intervention/counseling initiatives.

TITLE II: PUBLIC ACCESS TO INFORMATION RESOURCES (PAIR)

Requires Ed to develop, maintain and widely disseminate an annual comprehensive and detailed guide to postsecondary information services, products and systems. The guide shall be publicly available in electronic and hard copy formats, include information from public and private sources and shall be integrated with other data bases and collection within the Department.

Establishes the Student Counseling and Assistance Network, providing public access through computer telecommunications and a toll-free information hotline to information concerning public and private financial aid, qualifications for such assistance, location

of colleges, application deadlines, requirements and cost of matriculation, application forms for entrance and financial aid. The Network would provide for electronic conferencing services involving students, parents, educators and administrators (school counselors, librarians, teachers, principals, aid administrators, etc.) to improve curricular choices and study skills in secondary school, along with student and parental understanding of postsecondary options, including financial options. \$40 million are authorized for the establishment and maintenance of the database and hotline.

TITLE III. HIGHER EDUCATION RECRUITMENT EFFORT (HERE)

Authorizes \$70 million to market the availability of SCAN services and to contract with public and non-profit private entities to develop and advertise higher education recruitment messages. It is the intent of the proposal that the Department of Education model the effort after the successful "Be All That You Can Be" campaign of the Department of the Army. Contractual preference will be given to those who have a demonstrated ability in the recruitment of economically disadvantaged, minority and other at-risk students.

NATIONAL ASSOCIATION OF COLLEGE ADMISSIONS COUNSELORS,

Alexandria, VA, February 20, 1991.

Hon. HERBERT KOHL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KOHL: The National Association of College Admission Counselors, representing more than 5,000 school counselors and college admission counselors, is pleased that you have introduced the "Student Counseling and Assistance Network Act of 1991" legislation in the United States Senate.

This bill represents a unique opportunity to improve and extend the information and counseling services available to all students engaged in the secondary to postsecondary education transition. It will also address the needs of under-served minority and economically disadvantaged students who are currently underrepresented among our college populations.

The emphasis on early intervention activities will ensure that students in the middle grades are encouraged to acquire sound study habits, choose a challenging secondary school curriculum and plan for the college application and admission experience. The information network will guide students and parents in understanding and using all available aid resources. All of these provisions will ensure that greater numbers of our students reach their full educational potential.

As counselors, NACAC members know the value of services this legislation seeks to provide and improve. We are proud to have worked with you in the development of the "Student Counseling and Assistance Network Act of 1991" and stand ready to work alongside you in securing its passage.

America's students will be the beneficiaries.

Sincerely,

REGINA E. MANLEY,
President.

FRANK BURNETT, ED. D.,
Executive Director.

NATIONAL ASSOCIATION OF STUDENT

FINANCIAL AID ADMINISTRATORS,

Washington, DC, February 26, 1991.

Hon. HERB KOHL,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR KOHL: On behalf of the National Association of Student Financial Aid Administrators and its more than 3,200 postsecondary education institutions, I want to express to you our wholehearted support for the Higher Education Recruitment Effort [HERE] that is contained in your bill, "Student Counseling and Assistance Network Act of 1991."

Few leaders in education, business, and government still need to be convinced that it is in the nation's best interest to help minority and disadvantaged students attain a certainty of opportunity for full participation in American life.

Sweeping demographic changes in America, coupled with high drop out rates and the inability of the nation's poor to meet the rising cost of postsecondary education, threaten our capacity to provide the skilled workforce we need to be competitive in a global economy.

If we hope to address these challenges, then it is essential that business, education, and government entities cooperatively initiate information services and constructive intervention programs that will inform students and parents about the value and availability of education beyond high school and direct them toward successful assistance programs.

Your concept to contract with public and non-profit private entities to develop and advertise postsecondary education recruitment messages is certainly the kind of national initiative that will help to raise the awareness and aspirations of these youth, that through education they can reach long-term career, economic, and social goals.

We believe that this kind of a minimal expenditure, which will build self-esteem among those who are most at risk of missing out on the "American dream," will be returned to the nation many times over.

We support your concept and salute you for your leadership in this area.

Sincerely yours,

DALLAS MARTIN,
President.

NATIONAL COUNCIL OF EDUCATIONAL OPPORTUNITY ASSOCIATIONS,

Washington, DC, February 25, 1991.

Senator HERB KOHL,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR KOHL: On behalf of the National Council of Educational Opportunity Associations, I am delighted to endorse your bill to establish a student counseling and assistance network, aimed at promoting greater awareness of postsecondary educational opportunities.

As the Association representing institutions of higher education together with administrators, counselors and teachers who are committed to advancing equal educational opportunity and promoting diversity in America's colleges and universities, our members know from first-hand experience how the lack of good information provided at appropriate stages limits access and retention of low-income and minority students in college.

If there is anything we can do to assist you in securing passage of this legislation, please do not hesitate to contact us.

Sincerely,

ARNOLD L. MITCHEM, Ph.D.,
Executive Director.

THE COLLEGE BOARD,
Washington, DC, February 25, 1991.

Senator HERB KOHL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KOHL: I am writing to express support for your leadership in developing and introducing the Student Counseling and Assistance Network Act.

The College Board strongly endorses provisions in the proposed legislation for strengthening pre-college counseling and guidance in the nation's schools. These provisions focus particular attention on a critical national need—to increase the representation and success of disadvantaged and minority groups in higher education.

This is the central goal adopted by the College Board in launching our Educational Equity Agenda, in which we are working with six urban school systems across the country (including Milwaukee, I might note) to increase the number of young people through the middle and senior high school years who are prepared for college-level work. We also appreciate the leading role of the National Association of College Admissions Counselors (NACAC) in initiating and developing this legislation; currently, the College Board is collaborating with NACAC in a Lilly Foundation project to improve guidance and counseling systems.

In addition, we see much potential value in the provision of your bill establishing a "Higher Education Recruitment Effort" similar to that successfully developed by the United States Armed Forces. We realize that such an effort would entail considerable resources, and endorse the preference in making grants to groups targeting economically disadvantaged, minority, and other at-risk students.

We hope these important components of the Student Counseling and Assistance Network Act can be incorporated into the reauthorization of the Higher Education Act. We thank you for your efforts in support of better information and counseling for students, and look forward to working with you and your staff as this legislation proceeds.

Sincerely,

LAWRENCE E. GLADIEUX,
Executive Director.

OMB WATCH,
Washington, DC, February 25, 1991.

Hon. HERB KOHL,
Washington, DC.

DEAR SENATOR KOHL: We have had the opportunity to review your draft bill to create a Student Counseling and Assistance Network and strongly support it. It represents a creative, economical approach to increasing participation in postsecondary educational opportunities.

We are most impressed with your ideas for using newer information technologies to assist families and professionals involved in student counseling. The free flow of information is the lifeblood of any democratic society, and ours is no exception. Your public access provisions to the bill offer an innovative approach to harnessing computer technology to encourage the free flow of postsecondary educational information.

SCAN is a formula for success. Compiling information about financial aid and other

postsecondary activities and data—and permitting public access to it—is essential, especially if we are to remain intellectually and scientifically competitive in the world today. The bill takes the right approach: develop a directory of information resources; identify ways to better cross-link and integrate such resources; and finally, develop mechanisms for the public to reach such information.

Because of the vast amounts of information today and the need for each individual to collate the information in unique ways, computers are essential. Your bill puts newer information technology to use in socially responsible ways. We appreciate your emphasis that the information should be available to lower-income families regardless of their ability to pay. That is why we support your bill.

Under your leadership and that of other co-sponsors, we hope the bill will move quickly through Congress, be appropriated an adequate sum of money, and be aggressively implemented by the Department of Education.

Sincerely,

GARY D. BASS, Ph.D.,
Executive Director.

THE UNISON INSTITUTE,
Washington, DC, February 25, 1991.

Hon. HERB KOHL,
Hart Building,
Washington, DC.

DEAR SENATOR KOHL: We would like to voice our support and encouragement for your efforts on the draft bill to create a Student Counseling and Assistance Network (SCAN). SCAN could be an inexpensive, yet effective, way of broadening access to higher education for our entire nation. This novel database of tuition and funding sources will be critical to all potential students, and could make a critical difference whether low-income and minority children are admitted to college. SCAN could help make sure that qualified students get the education they deserve.

In particular, the way in which electronic networking is emphasized to make SCAN available promises that more people, in all localities, will have an equitable means of access to this important information. Students in all areas of the country will not be as subject to the vagaries of opportunity or proper counseling. SCAN can make sure that any individual is able to get all of the information they need. Moreover, because of the efficiencies of scale and elimination of duplication at a local level, local resources and be conserved and concentrated on the type of counseling that is most important—what is best for any individual student. This is an example of the proper use of information technology.

With your leadership, and that of the other co-sponsors, we are sure that this bill will be passed and that the Department of Education will embrace SCAN as a means of providing equal educational opportunities for all students.

Truly yours,

JOHN CHELEN,
Executive Director.

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, February 26, 1991.

Hon. HERBERT KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: We are pleased to express the support of the American Council on Education for your bill to establish a data collection, information dissemination, and

student counseling and assistance network. The American Council on Education is an association representing over 1,600 colleges and universities.

We strongly support the overall goals of the bill, and believe that it is urgent that young people receive information early in their lives regarding opportunities for postsecondary education.

Sincerely,

CHARLES B. SAUNDERS, Jr.,
Senior Vice President.

OFFICE OF THE SECRETARY OF DEFENSE: OPERATION AND MAINTENANCE OVERVIEW—FISCAL YEAR 1991 BUDGET

RECRUITING

The recruiting funds provide support for recruiting commands and stations throughout the United States. Recruiting costs are for those items essential to the accomplishment of the recruiting mission, including meals, lodging, and travel of applicants, recruiter expenses, travel and per diem, civilian pay, vehicle operation and maintenance, and other incidental expenses necessary to support the recruiting mission.

ADVERTISING

The advertising funds provide for advertising programs designed to support the procurement and retention of enlisted and officer personnel. The funds provide for the cost of local, regional, and national advertising in support of recruitment demands for high quality recruits. The Services rely on a media mix of advertising that includes television; radio; paid printed advertising in magazines and newspapers, direct mail campaigns; and recruiting booklets, pamphlets, and posters to increase public awareness, portray opportunities, and generate leads. The O&M, Defense Agencies appropriation funds an OSD centrally managed joint advertising program to provide for Armed Forces advertising projects.

EXAMINING

The examining funds provide support for the Military Entrance Processing Stations (MEPS) to process all enlisted personnel entering on active duty. Funds are also included for the U.S. Military Entrance Processing Command (MEPCOM) to administer the Armed Service Vocational Aptitude Battery (ASVAB) test. This administration includes both the production and institutional (high school) testing programs and the Mobile Examining Teams (MET) operating under MEPS direction. Funds also provide for support of upgrading the Joint Computer Center operated by the MEPCOM and the Selective Service System which will increase the effectiveness of the Selective Service System to register and the MEPCOM to process, test, and induct personnel into the Armed Forces. MEPCOM is a joint-Service organization. The Army is the DoD Executive Agent for the command and provides 49% of the total military staff. The other Services contribute military personnel and the support funds based on each Service's share of total budgeted accessions.

The following tables show the total funds for recruiting, advertising, and examining by component.

RECRUITING, ADVERTISING, AND EXAMINING

(In millions of dollars)

	Fiscal Year—			1989-90 change	1990-91 change
	1989 actual	1990 estimate	1991 estimate		
Army	298.0	292.5	305.1	-5.5	+12.6

RECRUITING, ADVERTISING, AND EXAMINING—Continued (In millions of dollars)

	Fiscal Year—			1989– 90 change	1990– 91 change
	1989 actual	1990 esti- mate	1991 esti- mate		
Navy	97.7	111.9	118.8	+14.2	+6.9
Marine Corps	57.8	58.4	58.2	+6	-2
Air Force	43.8	46.0	49.1	+2.2	+3.1
Defense agencies ..	33.7	22.0	31.5	-11.7	+9.5
Army Reserve	46.8	52.9	55.8	+6.1	+2.9
Navy Reserve	16.7	17.4	16.5	+7	-9
Marine Corps Re- serve	6.6	6.5	6.6	-1	+1
Air Force Reserve ..	6.6	6.7	7.2	+1	+5
Army National Guard	42.8	40.8	45.2	-2.0	+4.4
Air National Guard ..	5.9	5.6	5.7	-3	+1
Total	656.4	660.7	699.7	+4.3	+39.0
Recruiting	381.3	389.3	414.8	+8.0	+25.5
Army	155.2	153.6	160.9	-1.6	+7.3
Navy	78.4	82.4	89.1	+4.0	+6.7
Marine Corps	42.6	42.6	43.2	+6
Air Force	26.2	28.1	31.7	+1.9	+3.6
Defense agencies ..	2.4	1.4	1.8	-1.0	+4
Army Reserve	26.0	31.0	32.9	+5.0	+1.9
Navy Reserve	12.4	13.3	13.1	+9	-2
Marine Corps Reserve	3.9	4.0	4.2	+1	+2
Air Force Re- serve	2.9	3.0	3.4	+1	+4
Army National Guard	28.5	26.8	31.4	-1.7	+4.6
Air National Guard	2.8	3.1	3.1	+3
Advertising	203.7	293.3	213.9	-2	+10.4
Army	74.2	72.8	75.7	-1.4	+2.9
Navy	19.3	29.5	29.7	+10.2	+2
Marine Corps	15.2	15.8	15.0	+6	-8
Air Force	14.8	16.0	15.3	+1.2	-7
Defense agencies ..	31.3	20.7	29.3	-10.6	+8.6
Army Reserve	20.8	21.9	22.9	+1.1	+1.0
Navy Reserve	4.3	4.1	3.4	-2	-7
Marine Corps Reserve	2.7	2.5	2.4	-2	-1
Air Force Re- serve	3.7	3.7	3.8	+1
Army National Guard	14.3	14.0	13.8	-3	-2
Air National Guard	3.1	2.5	2.6	-6	+1
Examining	71.4	67.9	71.0	-3.5	+3.1
Army ¹	68.6	66.0	68.9	-2.6	+2.9
Air Force ²	2.8	1.9	2.0	-9	+2

¹ The Army's funding includes support for Navy and Air Force requirements, except as noted below.

² The Air Force funding provides for Air Force Executive Agent responsibilities. For example, the Air Force serves as the administrative agent for the DOD Medical Examination Review Board which schedules and reviews physical examinations for all Service Academies and ROTC scholarship programs.

By Mr. MCCAIN (for himself and Mr. DECONCINI):

S. 503. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and the Republic of Mexico; to the Committee on Foreign Relations.

UNITED STATES-MEXICO BORDER ENVIRONMENTAL PROTECTION ACT

• Mr. MCCAIN. Mr. President, today, I rise to introduce the United States-Mexico Border Environmental Protection Act.

Our Nation shares a 2,000-mile border with Mexico. Numerous American and Mexican sister cities link hands across that border, binding our two nations in friendship. As friends and neighbors the United States and Mexico have profound responsibilities to one another. Chief among those duties is to respect and safeguard the natural resources our citizens must share along the international boundary. No activities or conditions occurring on one side of

the border must be permitted to adversely impact the health of people or the environment on the other.

Passage of the United States-Mexico Border Environmental Protection Act will help us meet our environmental responsibilities successfully. It will do so by promoting pollution prevention in the region through resource monitoring and long-term planning. Second, recognizing that environmental accidents do occur and sometimes political expectations are not fulfilled, it provides the resources necessary to protect American lives and property from environmental hazards which may arise unabated south of the border—an important Federal responsibility.

Specifically, to address environmental threats, the bill seeks to establish a \$10 million border environmental emergency fund under the auspices of the Environmental Protection Agency. The fund would make moneys readily available to investigate occurrences of pollution, identify sources, and take immediate steps to protect land, air, and water resources through cleanup and other remedial actions.

I would like to provide an example of why this measure is needed. The Arizona Department of Environmental Quality informs me that a plume of ground water contamination has been identified on the Mexican side of the border near Arizona in an aquifer shared by the United States and Mexico. This particular aquifer flows in a northerly direction toward the United States. We hope and expect, of course, that the Mexican authorities will take every step necessary to clean up the contamination and its sources, just as we must investigate this matter to determine if any activities in the United States are contributing to the problem. The emergency fund would provide resources for U.S. participation in the field investigation, and enable us to take remedial action should the plume endanger U.S. water resources. This is just one example. Other environmental hazards affecting ground water and the border air shed exist in varying degrees along the international boundary.

While the Environmental Protection Agency would utilize the fund to address hazardous waste, ground water, and air quality issues among others, surface waters are another area of major concern. Issues involving the protection of surface waters are under the jurisdiction of the International Boundary and Water Commission. The Commission was created by treaty with Mexico in 1944 to control floods, manage salinity, and develop municipal sewage treatment facilities along international streams.

In my home State, the IBWC has constructed international wastewater treatment facilities in Nogales and Naco, AZ. However, the Commission's authority to respond to emergencies

involving the pollution of surface waters is a matter of some doubt. This measure provides the IBWC with explicit authority and resources to protect American lives and property from emergency conditions and establishes a \$5 million fund to do the job. In addition, the Secretary of State is directed to pursue agreements with Mexico for joint response to such events.

Mr. President, I'd like to offer another example of why this legislation is needed. Last October, the breakage of a sewer main combined with heavy rains to carry raw sewage into Nogales, AZ, via an international stream. The contamination resulted in a high incidence of hepatitis, harmed wildlife, and degraded public and private property, prompting the declaration of a state of emergency. No definitive and comprehensive action was taken to stem the flow of the sewage for several weeks due to concern about the availability of funds and trepidation about the legal authority necessary to take action.

Had the emergency fund and response authority I'm proposing been in place, perhaps we could have prevented much of the sickness and suffering visited on the residents of Nogales. We could have also prevented the possible contamination of drinking water wells which may either have to be closed or cleaned up at great expense. Passage of this legislation will ensure prompt and effective response in the future.

I would like to note that certain provisions related to the IBWC in this bill are virtually identical to those in the Rio Grande Pollution Correction Act which was signed into law in 1987. Like the bill I'm introducing, the Rio Grand legislation authorized the IBWC to conclude agreements with Mexico to respond to surface water contamination. The United States-Mexico Border Environmental Protection Act expands the provisions of the Rio Grande bill to include the entire border, as a matter of fairness and necessity.

In addition to funding field investigations and rapid emergency response, the legislation recognizes the importance of communication between Mexico and the United States and among Federal, State, and local authorities here at home. The bill seeks to establish an information sharing and early warning system so that Mexican and American officials at all levels will be appraised of environmental hazards and risks in a timely and coordinated fashion, so that response and remedy, likewise, will be timely and coordinated.

The EPA and IBWC funds will ensure comprehensive and timely response to hazards as they arise along the border. The long-term answer, however, is planning and prevention. In that regard, the bill seeks to bolster attention on the border environment and promote planning so that emergencies can

be avoided. It calls for the establishment of domestic and binational advisory committees on the border environment. These groups would meet on a regular and formal basis to monitor environmental conditions along the border, as well as to plan and make recommendations for the continued protection of the region's air, land, and water resources.

Passage of this bill is critical to the protection of the border environment and the maintenance of harmonious and productive relations with our friends to the south. Mr. President, Mexico recognizes the importance of this initiative as well. When I visited President Salinas in Mexico City last December, I informed him of my proposal to create a border environment fund. President Salinas agreed on the need for such an initiative and told me that if Congress created such an account, Mexico would do the same.

Mr. President, there is no doubt of our obligation to be a responsible neighbor to Mexico, nor of Mexico's obligation to us. Considering our current efforts to open the doors of commerce between our nations, now more than ever, it's important that we commit ourselves to a clean and healthy border environment for the safety and enjoyment of Americans and Mexicans who inhabit the region. Enactment of this legislation is a vital step to achieving that end.

I urge the Senate to consider and swiftly pass the United States-Mexico Border Environmental Protection Act. I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Mexico Border Environmental Protection Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to provide for the protection of the environment within the area comprising the border region between the United States and the Republic of Mexico.

SEC. 3. FUND.

(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States the "United States-Mexico Border Environmental Protection Fund (hereinafter referred to as the "Fund"). The Fund shall consist of such amounts as may be appropriated or transferred to the Fund. No moneys in the Fund shall be available for obligation or expenditure except pursuant to an environmental emergency declaration pursuant to section 4.

(b) **PURPOSE OF THE FUND.**—The Fund shall be readily available for use by the Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") to investigate and respond to

conditions which the Administrator determines present an immediate and substantial threat to the land, air, or water resources of the area comprising the border region of the United States and the Republic of Mexico.

(c) **USES OF FUND.**—(1) Moneys in the Fund shall be available, without fiscal year limitation, for use by the Administrator in carrying out field investigations and remediation of any environmental emergency declared by the Administrator under this Act.

(2) In carrying out his authority under this Act, the Administrator is authorized to expend moneys in the Fund directly or make such moneys available through grants or contracts.

(3) Moneys in the Fund shall be available for use by the Administrator for cost-sharing programs with the Republic of Mexico, any of the States of Arizona, California, New Mexico, or Texas, any political subdivision of any such State, federally recognized Indian tribes, or any other appropriate entity, for use in carrying out field investigations and remediation actions pursuant to this Act.

SEC. 4. DECLARATION OF ENVIRONMENTAL EMERGENCY.

(a) **DETERMINATION BY ADMINISTRATOR.**—The Administrator, whenever he determines conditions exist which present a substantial threat to the land, air, or water resources of the area comprising the border region of the United States and the Republic of Mexico, may declare, by publication in the Federal Register, the existence of an environmental emergency in such region. In no case shall the Administrator declare a condition an emergency under this section if such condition is specifically within the jurisdiction of the International Boundary and Water Commission.

(b) **PETITION OF GOVERNOR.**—In addition to the authority under subsection (a), the Administrator, upon the petition of the Governor of the State of Arizona, California, New Mexico, or Texas, may declare, by publication in the Federal Register, the existence of an environmental emergency in such region.

SEC. 5. INFORMATION SHARING.

The Administrator, in cooperation with the Secretary of State, the Governors of the States of Arizona, California, New Mexico, and Texas, and the Republic of Mexico, is authorized to establish a system for information sharing and for early warning to the United States, each of the several States and political subdivisions thereof, and Indian tribes, of environmental problems affecting the border region of the United States and the Republic of Mexico.

SEC. 6. REPORT TO CONGRESS.

The Administrator, after consultation with the Secretary of State, the Republic of Mexico, the Governors of the States of Arizona, California, New Mexico, and Texas, and the tribal governments of appropriate Indian tribes, shall submit an annual report to the Congress on the use of the Fund during the calendar year preceding the calendar year in which such report is filed, and the status of the environmental quality of the area comprising the border region of the United States and the Republic of Mexico.

SEC. 7. ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—The Administrator shall establish a United States-Mexico Border Environmental Protection Advisory Committee (hereinafter referred to as the "Advisory Committee").

(b) **FUNCTIONS.**—It shall be the functions of the Advisory Committee to—

(1) monitor and study environmental conditions within the border region of the United States and the Republic of Mexico;

(2) plan and make recommendations for ongoing environmental protection within such border region; and

(3) carry out such other functions as the Administrator may prescribe.

(c) **COMPOSITION OF ADVISORY COMMITTEE.**—The Advisory Committee shall consist of such number as the Administrator shall appoint. At least 2 of the members shall be from business, 2 from non-Government organizations, and 5 from State, local, or tribal governments. The term of each member shall be for a period of not more than 5 years, specified by the Administrator at the time of appointment. Before filling a position on the Advisory Committee, the Administrator shall publish a notice in the Federal Register soliciting nominations for membership on the Advisory Committee.

(d) **MEETINGS AND REPORTS.**—The Advisory Committee shall meet at least on a quarterly basis, and report to the President and Congress not less than annually, on the state of the border region between the United States and the Republic of Mexico, together with the recommendations of the Advisory Committee, if any. The initial report shall be submitted within 12 months following the date of the enactment of this Act.

(e) **COMPENSATION.**—Members of the Advisory Committee shall serve without compensation. When serving away from home or regular place of business, a member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for individuals employed intermittently in the Government service.

SEC. 8. INTERNATIONAL AGREEMENTS.

(a) **AUTHORITY.**—The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico (hereafter "United States Commissioner") is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of correcting international pollution problems in international streams that cross the international boundary between the United States and the Republic of Mexico, caused by the discharge of untreated or inadequately treated sewage and other wastes into such streams.

(b) **RECOMMENDATIONS.**—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and the Republic of Mexico of measures to protect the health and welfare of persons along those international streams that cross the international boundary between the United States and the Republic of Mexico, and should include—

(1) facilities that should be constructed, operated, and maintained in each country;

(2) estimates of the costs of plans, construction, operation, and maintenance of such facilities;

(3) formulas for the division of costs between the United States and the Republic of Mexico; and

(4) time schedule for the construction of facilities and other measures recommended within the agreements authorized by this section.

SEC. 9. JOINT RESPONSES.

(a) **CONSTRUCTION OF WORKS.**—The Secretary of State, acting through the United States Commissioner, is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Rela-

tions of the Republic of Mexico for the purpose of joint response through the construction of works, repair of existing infrastructure, and other such appropriate measures in the Republic of Mexico and the United States to correct water pollution emergencies in international streams that form or cross the international boundary between the United States and the Republic of Mexico caused by the discharge of untreated or inadequately treated sewage or other wastes into such streams.

(b) **HEALTH AND WELFARE.**—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and the Republic of Mexico establishing general response plans to protect the health and welfare of persons along those international streams that form or cross the international boundary between the United States and the Republic of Mexico, and should include, but not be limited to—

(1) description of types of water pollution emergencies requiring response including, but not limited to, sewer line breaks, power interruptions to wastewater handling facilities, components breakdowns to wastewater handling facilities, and accidental discharge of pollutants which result in the pollution of streams that form or cross the international boundary;

(2) description of types of response to emergencies including, but not limited to, acquisition, use and maintenance of joint response equipment and facilities, small scale construction, including modifications to existing infrastructure and temporary works, and the installation of emergency and standby power facilities;

(3) formulas for distribution of costs of responses to emergencies under this section on a case-by-case basis; and

(4) requirements for defining the beginning and end of an emergency.

SEC. 10. CONSTRUCTION; REPAIRS; AND OTHER MEASURES.

(a) **WATER POLLUTION EMERGENCIES.**—The Secretary of State, acting through the United States Commissioner, is authorized to respond through construction, repairs and other measures in the United States to correct water pollution emergencies in international streams that form or cross the international boundary between the United States and the Republic of Mexico, caused by the accidental discharge of untreated or inadequately treated sewage and other wastes into such streams.

(b) **CONSULTATION.**—In responding to emergencies the Secretary of State shall consult and cooperate with the Administrator, affected States, counties, municipalities, Indian tribes, the Republic of Mexico, and other affected parties.

SEC. 11. BINATIONAL ADVISORY COMMITTEE.

The Secretary of State, in cooperation with the Administrator, is authorized to enter into an agreement or other arrangement with the Republic of Mexico to establish an Advisory Committee comprised of members from the Republic of Mexico and the United States for the purpose of monitoring and studying environmental conditions within the border region of the United States and the Republic of Mexico, and planning and making recommendations for ongoing environmental protection within such border region.

SEC. 12. BINATIONAL EARLY WARNING SYSTEM.

The Secretary of State, in cooperation with the Administrator, is authorized to enter into an agreement or other arrangement with the Republic of Mexico for the

purpose of establishing a system for information sharing and for early warning between the two nations of environmental problems affecting the border region of the United States and the Republic of Mexico.

SEC. 13. TRANSFER OF FUNDS.

(a) **TRANSFER AUTHORITY.**—The Secretary of State, acting through the United States Commissioner, is authorized to include as part of the agreements authorized by sections 8, 9, and 10 of this Act, the necessary arrangements to administer the transfer to another country of funds assigned to one country and obtained from Federal or non-Federal governmental or nongovernmental sources.

(b) **COST-SHARING AGREEMENTS.**—No funds of the United States shall be expended in the Republic of Mexico for emergency investigation or remediation pursuant to section 8, 9, or 10 of this Act absent a cost-sharing agreement between the United States and the Republic of Mexico unless the Secretary of State has determined and can demonstrate that the expenditure of such funds in the Republic of Mexico would be cost-effective and in the interest of the United States. In cases where funds of the United States are expended in the Republic of Mexico without a cost-sharing agreement, the Secretary of State shall submit a report to the appropriate committees of Congress explaining why costs were not shared between the United States and the Republic of Mexico, and why the expenditure of such funds without cost-sharing was in the national interest of the United States.

(c) **ESTABLISHMENT OF FUND.**—(1) There is established in the Treasury of the United States the "United States International Boundary and Water Commission Fund (hereinafter referred to as the "Commission Fund"). The Commission Fund shall consist of such amounts as may be appropriated or transferred to the Commission Fund.

(2) Moneys in the Commission Fund shall be available, without fiscal year limitation, for use by the Secretary of State in carrying out the provisions of sections 8, 9, 10, 11, and 12 of this Act.

(3) In carrying out the purposes of sections 8, 9, 10, 11, and 12 of this Act, the Secretary of State is authorized to expend moneys in the Commission Fund directly or make such moneys available to fulfill the purposes of any such section through grants or contracts.

SEC. 14. REGULATIONS.

Within 270 calendar days following the date of the enactment of this Act, the Administrator and the Secretary of the State shall each issue such regulations as may be necessary to carry out his or her functions under this Act.

SEC. 15. CIVIL PENALTIES.

On or before March 31 of each calendar year, the Secretary of the Treasury shall transfer to the Fund, established by section 3 of this Act, an amount equal to the amount of all civil penalties collected during the preceding calendar year under any environmental law of the United States arising out of, or in connection with, violations which resulted, in whole or in part, in causing or contributing to the damages which required expenditures from the Fund. In no case shall the amount transferred to the Fund exceed the amount expended from the Fund in connection with such damages. Moneys transferred to the Fund pursuant to this section shall be available in the same manner, to the same extent, and for the same purposes as moneys appropriated to the Fund.

SEC. 16. AUTHORIZATION.

(a) **AUTHORIZATION FOR THE FUND.**—There is authorized to be appropriated to the Fund \$10,000,000, for use in accordance with the purposes of this Act.

(b) **AUTHORIZATION FOR ADVISORY COMMITTEE.**—There is authorized to be appropriated to the Advisory Committee \$500,000 for use in carrying out its functions under this Act.

(c) **AUTHORIZATION FOR INTERNATIONAL BOUNDARY AND WATER COMMISSION FUND.**—There is authorized to be appropriated to the International Boundary and Water Commission Fund \$5,000,000 for carrying out sections 8, 9, 10, 11, and 12 of this Act.

(d) **AVAILABILITY OF FUNDS.**—All amounts appropriated pursuant to this Act shall remain available until expended.

SEC. 17. DISCLAIMER.

Nothing in this Act shall be construed as amending, repealing or otherwise modifying any provision of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, or any other environmental law of the United States.

U.S./MEXICO BORDER ENVIRONMENTAL PROTECTION ACT

PURPOSE

The United States-Mexico Border Environmental Protection Act provides for rapid response to environmental hazards affecting the United States-Mexico border region; and promotes environmental monitoring, planning and international cooperation so that environmental risks and emergencies in the region can be avoided through prevention.

SUMMARY

Creates a \$10 million United States-Mexico Border Environmental Emergency Fund under the Environmental Protection Agency (EPA).

Empowers the International Boundary and Water Commission (IBWC) to respond to water pollution emergencies affecting streams which flow between the United States and Mexico.

Creates a \$5 million fund within the IBWC for emergency response.

Calls on the Secretary of State to conclude agreements with Mexico providing for cooperation and joint response to water pollution emergencies affecting streams which flow between the United States and Mexico.

Calls on EPA to establish an information sharing and early warning system among Federal, State and local authorities and other appropriate entities, for environmental hazards affecting the border region.

Calls on the Secretary of State, in cooperation with the Environmental Protection Agency and other Federal, State and local authorities, to conclude agreements with Mexico to establish a bi-lateral information sharing and early warning system.

Establishes a United States-Mexico Border Environmental Protection Advisory Committee under the auspices of the EPA. The panel would:

Monitor and study environmental conditions in the border region;

Plan and make recommendations to provide for ongoing environmental protection of the border region;

Meet quarterly and report annually to the President and Congress.

Calls on the Secretary of State, in cooperation with the EPA, to conclude agreements with Mexico to establish a bi-national United States-Mexico Border Environmental Protection Advisory Committee.

Requires the EPA to report yearly on the condition of the natural resources of the border region.●

● Mr. DECONCINI. Mr. President, I am pleased to join my colleague, Senator MCCAIN, as an original cosponsor of the United States-Mexico Environmental Protection Act. This legislation responds to a real and current threat to the health and environment of those citizens living along our border with Mexico.

As many of my colleagues know, I have long been concerned about the unique nature of binational environmental problems facing the United States and Mexico. The environment does not recognize the artificial boundaries. Because of the unique geographic and ecological characteristics of this region, border communities share common aquifers and air supplies. If these resources are degraded, citizens of both countries suffer.

The legislation we are introducing today will enable the EPA and the State Department to respond to urgent environmental situations in an emergency fashion. This will be particularly responsive to the current situation in Nogales, AZ. For the benefit of my colleagues, untreated sewage from Nogales, Sonora is being discharged from damaged sewage lines into Nogales Wash and threatens drinking water supplies which service the communities on both sides of the border. Mexico lacks the resources to adequately respond to infrastructure deficiencies such as what is occurring in Nogales. This legislation will provide the resources needed to rapidly respond to this situation.

The United States-Mexico Environmental Protection Act also calls for extensive monitoring of environmental problems along the border. In my experience in working on these problems, one fact is clear to me; there is a definite lack of substantial information on the environmental issues along the border. This legislation will go a long way to rectifying this problem.

Mr. President, I want to commend Senator MCCAIN for his initiative in this regard. With the United States-Mexico Environmental Protection Act, he has recognized a critical need and has responded to address it. I look forward to working with him to see that this legislation is enacted.●

By Mr. MCCAIN (for himself and Mr. DECONCINI):

S. 503. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and the Republic of Mexico; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. SIMON, Mr. BURDICK, and Mr. LIEBERMAN):

S. 504. A bill to amend the Standing Rules of the Senate to require that re-

ports accompanying each bill involving public health that is reported by a Senate Committee contain a prevention impact evaluation, to establish a Task Force on Disease Prevention and Health Promotion, and for other purposes; to the Committee on Rules and Administration.

S. 505. A bill to change the name of the Centers for Disease Control to the Centers for Disease Prevention and Control, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. BURDICK, Mr. LIEBERMAN, and Mr. SIMON):

S. 506. A bill to amend title XVIII of the Social Security Act to require hospitals receiving Medicare payments for graduate medical education programs to incorporate training in disease prevention and health promotion, and to prohibit reductions in payment rates for direct and indirect medical education costs; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. BURDICK, Mr. LIEBERMAN, Mr. BRADLEY, Mr. REID, and Mr. SIMON):

S. 507. A bill to amend the Public Health Service Act to expand the scope of educational efforts concerning lead poisoning prevention, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. BURDICK, Mr. ADAMS, Mr. LIEBERMAN, and Mr. SIMON):

S. 508. A bill to amend title XVIII of the Social Security Act to provide for coverage of screening mammography where payment is not otherwise available for such screening for women over 49 years of age regardless of eligibility for benefits under such title, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. DOLE, Mr. SIMON, Mr. ADAMS, Mr. BURDICK, and Mr. LIEBERMAN):

S. 509. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. ADAMS, Mr. SIMON, Mr. BURDICK, and Mr. LIEBERMAN):

S. 510. A bill to amend the Older Americans Act of 1965 to expand the preventive health services program to include disease prevention and health promotion services, and for other purposes; to the Committee on Labor and Human Resources.

PREVENTION FIRST LEGISLATION

● Mr. HARKIN. Mr. President, every day, we read about the growing crisis facing our health care system:

Costs are skyrocketing. A record \$700 billion will be spent on health care this

year, more than \$2,500 per American. Families and businesses are struggling to keep up with these staggering costs.

The number of Americans without any insurance keeps growing. They now number 37 million, 9 million of whom are children.

That is got to change, and many of us have been laboring to bring about change. There are now numerous thoughtful plans aimed at attacking the problem of access to care. And a consensus on health care reform—ensuring that all Americans have access to affordable health care—is a top priority in the 102d Congress. With the excellent leadership of the majority leader and others we now have the best chance for reform in many years.

Mr. President, I rise today to introduce on behalf of myself and a number of my distinguished colleagues, Senators SIMON, BURDICK, and LIEBERMAN, a package of legislation which I hope will add to our efforts to reform the American health care system. The message of this package is prevention first. I believe that the most fundamental problem of our current health care system—its pervasive bias toward only treating people once they become ill or disabled, and against preventing them from becoming sick or disabled in the first place—must be the first thing addressed in any health care reform effort. And prevention isn't getting the attention it deserves.

Less than 1 percent of our Nation's \$700 billion health care budget this year will be spent on disease prevention and health promotion. Our health care system would get a "D" grade in the area of access to care. But it would get an "F" when it comes to prevention. Miserable may be a better description. And this is true even though the evidence is clear that an ounce of prevention truly is worth a pound of cure. For example, a mammogram costs about \$50. The radical mastectomy and other follow up it can prevent the need for can cost from \$50,000 to \$75,000. Yet, except for those women age 65 and over on Medicare, we generally won't pay for mammograms.

Just think about it. What offers greater hope for solving our health care problems—figuring out a new way to cut payments to doctors or hospitals or fundamentally reforming our system to put prevention first from top to bottom and thereby be able to avoid the nearly half of all our health costs that are totally preventable?

The Prevention First package we are introducing today begins us on the path to achieve this fundamental reform, putting prevention first—from how we train our doctors to what health benefits we provide.

And there is no better place to start than at home—here in Congress. Our focus now is shortsighted and discriminates against long-term investments such as prevention. The first bill of the

package, the Prevention Impact Evaluation Act, would require that every major health bill considered by Congress have, in addition to a cost estimate, a prevention impact statement. This would measure how good a job each proposal does on prevention. If it's a bill to pay for medical education, does it require that students receive training in preventive techniques? If it's a health research bill, does it properly focus on prevention?

The next bill in the package will help to focus greater attention within government and in the Nation on the importance of prevention. It would change the name of the Federal Government's flagship of prevention, the Centers for Disease Control, to the Centers for Disease Prevention and Control.

Less than 2 percent of the time today's doctors spend in training is dedicated to prevention. In order for health care practice to change to put prevention first, this needs to change. Therefore, the third bill of the package would require that in order to receive Federal Medicare payments for graduate medical education, programs would have to have a focus on disease prevention and health promotion. In addition, a moratorium on cuts to Medicare payment rates for direct and indirect medical education costs would be established, thus blocking the President's call for over \$1 billion in new cuts for fiscal year 1992.

Lead poisoning is the No. 1 preventable disease hitting our kids, afflicting more than 3.5 million children. And its effects are devastating. Children with elevated lead levels are seven times more likely to drop out before graduating from high school. The fourth bill of my package, the Lead Poisoning Prevention Act, would provide for a 50-State program to combat this pervasive problem. It also would mandate a national program to educate children, parents, educators, and health professionals on the hazards of lead exposure and ways to reduce its incidence. This bill also requires the establishment of an interagency task force on the prevention of lead poisoning in an effort to regularly bring together the many diverse Federal agencies which deal with lead poisoning. The task force should assure better coordination of the Federal Government's effort to combat this complex and pervasive problem.

I am very pleased to be joined in introducing the Lead Poisoning Prevention Act by my distinguished colleagues Senators REID, LIEBERMAN, BRADLEY, BURDICK, and SIMON. They have long been leaders in the fight to combat lead poisoning and are pushing for additional legislative reforms aimed at tackling this problem.

Mr. President, it's a tragedy that one of every nine American women will develop breast cancer at some point in

their lives. That's up from 1 in 10 just last year. And even though we now have a cost-effective means of detecting breast cancer before it becomes deadly, less than 25 percent of women 50 and over get a regular mammography. The Breast Cancer Screening Act, the next component of the package, would assure that all women age 50 and over have coverage for regular screening under Medicare. I am very pleased to be joined by Senators SIMON, BURDICK, LIEBERMAN, and ADAMS in introducing the bill which builds on successful efforts last year to provide coverage for those 65 and over.

Mr. President, it just doesn't make sense that while we spend over \$63 billion providing medical care and other services to people with disabilities, we spend very little on the prevention of disabilities. I am pleased to be joined in introducing the next bill in the package, the Disabilities Prevention Act, by Senator DAVE DURENBERGER, Senator TED KENNEDY, and Senator BOB DOLE, in addition to my colleagues sponsoring the entire prevention first package. This important measure would provide for the establishment through CDC of programs aimed at preventing disabilities in every State.

In reintroducing this legislation, I want to pay special tribute to a champion of the effort to prevent disabilities, our late outstanding colleague, Congressman Silvio Conte. Congressman Conte was the original House sponsor of the Disabilities Prevention Act and had worked skillfully and tirelessly to support the current prevention program at CDC and for passage of this important legislation. We will all miss him and the leadership he provided on this and other important health issues.

This Nation has a proud history of providing programs and services for individuals with disabilities. Last year I was proud to lead the effort to add to this history with the passage of the Americans With Disabilities Act. It is estimated that some 43 million Americans have some type of disability. Yet there still is very little knowledge available regarding the true incidence and prevalence of disabling conditions. In addition, many persons with disabilities are at great risk for developing additional, or secondary, disabilities. These secondary disabilities may further reduce an individual's capacity to work and make it more difficult for a person with a disability to live independently in the community.

In its 1986 report, "Toward Independence," one of the major recommendations of the National Council on Disability was for the development of a national strategy for the prevention of primary and secondary disabilities, with the goal that each of the 50 States would participate in such a program. The Continuing Appropriations Act of 1988 provided funds to get this program

off the ground, and funds have continued to be appropriated for succeeding fiscal years. Based at the Centers for Disease Control in Atlanta, the National Disability Prevention Program was developed with input from the Office of Disease Prevention and Health Promotion in the Public Health Service, the National Council on Disability, representatives of States, voluntary agencies, academia, private and public health, and persons with disabilities and family members of persons with disabilities.

The goal of the Disability Prevention Program is to reduce the incidence or severity of primary or secondary disabilities and to promote independence, productivity, and integration into the community for persons with disabilities. The program provides a national focus for the prevention of disabilities, builds capacity at the State and community levels, and increases the knowledge base for effective interventions.

To date, State-based projects have been developed in 9 States, with several community-based projects supported in each State, and I was pleased to have supported an increase in the 1991 appropriations which should allow expansion to 20 States. This new national program for the prevention of disabilities has generated considerable interest throughout the Nation. The Centers for Disease Control reports that at least 40 States have expressed interest in participating in developing a statewide effort to coordinate disability prevention activities and to provide technical assistance to communities which wish to institute programs for the prevention of disabilities.

Providing specific authorization for this important prevention program will help ensure its viability. Moreover, in a time of budgetary constraint, these programs must demonstrate their effectiveness in the competition for our health resources if they are to survive into the future. Thus this legislation appropriately emphasizes program evaluation as a part of the capacity-building process at both State and Federal levels. Approximately \$62 billion in Federal funds are spent each year for services for persons with disabilities, yet although many disabilities are preventable, very little is spent on prevention. Suppose children play near a dangerous cliff and are in great risk of falling over, becoming seriously injured. We can either erect a fence at the top or we can put an ambulance at the bottom. In large measure, as a society, we have opted for ambulances, not fences.

Primary and secondary disabilities exert a profound effect on the lives of persons with disabilities, their families, and our society. With the Disabilities Prevention Act of 1991, we will begin to redirect attention and re-

sources to the important job of prevention.

The final bill of the prevention first package is the Older Americans Health Promotion and Disease Prevention Act. I am pleased to be joined in introducing this bill by Senators ADAMS, SIMON, LIEBERMAN, and BURDICK. I want to especially commend Senator ADAMS, the new chairman of the Aging Subcommittee, who will be leading the charge again as we reauthorize the Older Americans Act this year. The bill would support a wide range of health promotion services, from blood pressure testing to exercise programs to smoking cessation classes, to be provided to seniors at the thousands of senior citizens centers, congregate meals sites, and meals on wheels programs in communities across the Nation. Hundreds of thousands of our neediest and most vulnerable senior citizens can be reached by wellness services at these sites each day.

"Prevention First," Mr. President. That has to be the motto for health care reform and for health care in general in the nineties and beyond. It sounds simple, but today it's mostly an afterthought.

I want to thank all of my colleagues who join me today in introducing this package and I urge that all of my colleagues review and join us in support of the package. I will be working as chairman of the Subcommittee on Disability Policy and of the Appropriations Health Subcommittee to win approval of this package and assure it and other critical prevention and early intervention programs receive appropriate funding in these difficult fiscal times.

Mr. President, I would like to ask unanimous consent that additional information on each bill of the package be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PREVENTION IMPACT EVALUATION ACT

BACKGROUND AND HIGHLIGHTS

More than 99 percent of the over \$700 billion spent by Americans in 1991 on health care will go towards treating people once they become ill or disabled. Much of this could be avoided by sensible and readily available preventive measures. If real inroads are to be made in cutting our massive health-care costs and avoiding preventable illness and disabilities, our health care policy and laws must be fashioned to promote and realize these goals. In order to begin breaking down the shortsighted focus on acute and remedial care in our health care laws and system, the Prevention Impact Evaluation (PIE) Act would ensure that major health legislation is evaluated appropriately with respect to its potential and actual impact on disease prevention and health promotion. It would accomplish this by:

Changing the Senate rules to require that, in addition to cost estimates, committee reports accompanying high-cost bills related to the general area of health contain a Prevention Impact Evaluation (PIE). This analysis would include statements addressing ac-

cess, incentives, education, training, research, coordination and economic impact related to prevention.

Providing a needed database for annual analysis and reporting of the influence of legislation on disease prevention and health promotion, including the extent to which the anticipated impact on prevention has been realized.

Establishing a task force to review, evaluate and coordinate our nation's goals and programs related to disease prevention and health promotion.

BILL SUMMARY

Sections 1 & 2: Prevention Impact Evaluation (PIE)

The Standing Rules of the Senate are amended to require that the reports accompanying health care bills authorizing \$10 million or more in any fiscal year contain information relevant to disease prevention and health promotion. In particular, the Office of Technology Assessment (OTA) will summarize for the report the extent to which the bill increases or decreases access to preventive services, provides incentives for adopting healthy lifestyles, focuses public and professional education on prevention, directs research and its application to prevention strategies, and enhances or detracts coordination among related programs. In addition, the potential economic effects of any prevention components of the bill will be assessed by the OTA in consultation with the Congressional Budget Office (CBO).

Section 3: Reporting format and annual report

The Office of Technology Assessment will develop a standard reporting format for the Prevention Impact Evaluation (PIE). An annual report will be prepared by the OTA and submitted to Congress and the Task Force on Disease Prevention and Health Promotion summarizing the PIEs and detailing the extent to which the estimated impact on prevention accorded with actual implementation of the laws.

Section 4: Task force on disease prevention and health promotion

A task force of HHS agencies including members of the general public and private sector will be established to review the annual PIE report, to evaluate and coordinate Federally supported programs, and to make program policy and budgetary recommendations to Congress related to disease prevention and health promotion.

A NEW NAME FOR CDC: THE CENTERS FOR DISEASE PREVENTION AND CONTROL (CDPC)

BACKGROUND

The Centers for Disease Control (CDC) will celebrate its 50th anniversary in 1992. And it has much to celebrate. CDC has long been at the forefront of the major public health revolution to prevent disease.

CDC will mark its half century of service having made many necessary adjustments to meet changing health care problems and evolving approaches towards addressing these problems. While its origins derived from the principle charge of controlling the spread of infectious disease, CDC has developed into our nation's flagship agency for disease prevention activities. A great majority of its work now focuses on prevention—from its relatively new initiative to prevent deaths from breast and cervical cancers, to the preventive health services block grants, to its programs for prevention of childhood lead poisoning, birth defects and developmental disabilities. This role was appropriately reflected in the President's selec-

tion of CDC as the focal point of the budgetary initiative on prevention. And as the causes and mechanisms of illness and disabilities are increasingly identified, and as our health care efforts are directed appropriately to the promotion of better health, so too will the key prevention role of CDC continue to grow.

In recognition of its central role in our disease prevention efforts and to give greater national visibility to these efforts, this bill would rename CDC the Centers for Disease Prevention and Control. This simple change will demonstrate our commitment to increasing the focus of our prevention efforts in health care and elevate prevention to its justifiable prominence within the framework of governmental health care programs.

SUMMARY

The Centers for Disease Control is renamed as the Centers for Disease Prevention and Control. No other change or new spending is proposed.

LEAD POISONING PREVENTION ACT

BACKGROUND AND HIGHLIGHTS

Lead poisoning is the number one preventable disease of children; yet, only meager efforts have been undertaken to eliminate lead exposure and detect lead toxicity among our most vulnerable citizens. For more than a decade it has been known that even healthy appearing children with modest lead elevations show poor academic performance as evidenced by low IQ scores, impaired hearing, unsatisfactory speech and language development, and disruptive classroom behavior. A comprehensive 10-year follow-up study has demonstrated that children with elevated lead levels are 7 times more likely to drop out before graduating from high school.

Conservative estimates indicate that more than 3.5 million American children representing all socioeconomic groupings have excessive lead levels, including fully 55% of poor black children. The social costs of childhood lead poisoning are staggering, and the annualized price tag just for remedial medical and education exceeds \$1 billion. Although the cost-effectiveness of screening children for lead has been amply demonstrated, saving by more than fifty-fold the immediate costs of treatment, there is a sorrowful lack of awareness regarding the perils of lead poisoning, the benefits of lead screening and the resulting preventive and treatment measures that can be taken to combat this problem.

In 1988, Congress passed legislation authorizing the Centers for Disease Control (CDC) to make grants to States and localities to enhance education and screening for childhood lead poisoning. While resulting in some improvement, the program has been restricted by funding and authority limitations. There is still no national education program regarding lead poisoning. In addition, while several Federal departments and agencies are interested and nominally involved in preventing lead poisoning, there is no coordinated national effort to address this serious but eminently avoidable problem. The Lead Poisoning Prevention Act would help ensure that adequate educational, research and coordination efforts are brought to bear now to combat this preventable and treatable man-made disorder by:

Expanding the number and scope of CDC grants so that all 50 States will have the means to increase the number of children screened for lead poisoning and to refer affected children for appropriate treatment.

States will also be able to more adequately educate the public and professionals regarding the sources and routes of lead exposure, the value of lead screening, and the preventive measures to reduce and eliminate the risks for lead poisoning.

Establishing a National Lead Poisoning Prevention Education Program under the direction of CDC to provide professionals, paraprofessionals and the public with the necessary access to current knowledge regarding lead poisoning.

Initiating a concerted research program to develop improved testing measures for lead toxicity in children and to more accurately assess the occurrence of lead poisoning.

Creating an inter-departmental and inter-agency task force under the leadership of the CDC to review, evaluate and assure coordination among Federal programs aimed at preventing lead poisoning.

BILL SUMMARY

Sections 1 & 2: State grants and education

Section 317A of the Public Health Service Act is amended to expand the State grants' focus on providing information to parents, educators and health professionals regarding the sources and immediate risks of lead exposure, the importance of screening young children for lead, and the preventative steps that can be taken to reduce the risks for lead poisoning. \$35,000,000 is authorized for FY 1992 and such sums as necessary for FY 1993-1996 to expand the grants so that all States might be included.

Section 3: National Education Program

A National Lead Poisoning Education Program is to be established by the Centers for Disease Control (CDC) to educate health professionals, paraprofessionals and the general public by providing access to information concerning the health effects of low-level lead toxicity, the most serious causes of lead poisoning, and the primary and secondary preventive measures to combat lead poisoning. \$2,000,000 is authorized for FY 1992 to carry out this section.

Section 4: National Research & Development Program

A concerted research effort is to be initiated by the CDC to develop more reliable, sensitive, applicable and cost-effective measures in children to detect lead toxicity and to assess more accurately the occurrence of lead poisoning by State, socioeconomic grouping, and health care insurance status. \$2,000,000 is authorized for FY 1992 to carry out this section.

Section 5: Task Force

A Task Force on the Prevention of Lead Poisoning, headed by the CDC and composed of members of Federal agencies, State and local governments and the general public, will annually review, evaluate and coordinate programs related to lead poisoning and make program policy and budgetary recommendations to Congress.

TRAINING OUR DOCTORS TO PRACTICE PREVENTION

Less than two percent of the time today's doctors spend in training is dedicated to prevention. Virtually all of their preparation is in learning the basic sciences and how to diagnose and treat people who have become ill or disabled. While some medical schools and graduate training programs have incorporated disease prevention and health promotion into their activities in a significant way, many others do not give prevention appropriate attention. This shortcoming of medical education is both a reflection of and

contributors to the bias of our health care system as a whole towards fixing what is "broken" instead of preventing it from becoming "broken." Bringing more of a prevention and health promotion focus to our system of medical training, therefore, will help to begin breaking down this bias from the standpoint of the provider.

The Medicare program pays over \$2 billion a year for direct (such as salaries of residents and teachers and other education costs) and indirect (such as extra demands placed on hospital staff as a result of teaching and higher rates of tests ordered by residents) costs of training doctors through its payments to hospitals. These payments have continually been a target of budget reduction efforts. In fact, the President's budget calls for additional cuts in medical education support of over \$1.1 billion in fiscal year 1992 alone.

Graduate medical education is critical to the strength of our health care system. Medicare support for it must be preserved and strengthened. In addition, many hospitals are in dire financial condition, having been subjected to massive Medicare cuts in the past several years. They must be protected from future cuts.

BILL SUMMARY

This bill addresses both concerns expressed above by:

1. Requiring that in order to receive Medicare payments for direct graduate medical education costs, hospital residency training programs include training in disease prevention and health promotion. The details of this training would be left up to the medical profession. This provision would become effective January 1, 1993.

2. Placing a moratorium on reductions in Medicare payment rates for direct and indirect medical education costs beyond those in effect on or before January 1, 1991.

THE BREAST CANCER SCREENING ACT OF 1991

BACKGROUND AND NEED

Breast cancer is epidemic in our nation and its rate is escalating. Fully one of every nine American women will develop breast cancer in their lifetime. Over 44,500 American women will die this year alone from breast cancer, making it the leading cause of cancer deaths among women. This horrible disease preys most heavily on middle-aged and older women. Well over half of the women who lose their lives are age 50 and over. While we have made great strides in reducing the incidence of many forms of cancer, from 1973 to 1986 there has been a 21.8 percent increase in the number of new cases of breast cancer among women age 50 and older and the death rate has increased nearly 5 percent.

As a result of changes included in the 1990 budget reconciliation act, Medicare has been expanded to include coverage for biennial mammography screenings. This is a tremendous step forward which will save many lives. However, many women in the highest risk group, age 50 and over, are still without coverage and are going without this lifesaving service.

In addition, there is a great need for better promotion of Medicare's existing preventive benefits (mammography screening, cervical cancer screening, and pneumococcal pneumonia vaccine). For example, despite the fact that for every dollar spent on pneumonia vaccines, Medicare saves 3 dollars in hospitalization costs, just about 10 percent of all the elderly receive their annual pneumonia vaccine. A major reason for this low

use rate is lack of knowledge—most elderly don't know that Medicare will pay for this important preventive measure.

BILL SUMMARY

Effective January 1, 1992, the category of women eligible for the Medicare breast cancer screening benefit is expanded to include all women in the highest risk age group. All women age 50 to 64 who do not have coverage from other sources would be eligible for biennial mammography screening. The cost of providing screenings to these women would be paid for from the Medicare Part A Trust fund.

The Secretary of the Department of Health and Human Services is required to regularly notify all eligible individuals of the availability of the new mammography benefit and other Medicare covered preventive services (pap smear and pneumococcal pneumonia vaccine). He is also required to annually publish and make available directories of providers in each area certified to provide mammography screening. Finally, the Secretary is required to support activities to promote the appropriate use of these benefits so that more of our elderly and disabled will take advantage of them. In doing so, he must take into account the special circumstances of rural and other medically underserved communities.

DISABILITIES PREVENTION ACT OF 1991

BACKGROUND AND HIGHLIGHTS

Our nation spends an estimated \$170 billion a year for treatment and related services for the 43 million Americans with disabilities. Approximately \$62 billion in Federal funds are spent for services for persons with disabilities. In addition, at least 5 million Americans will this year be added to the number of those Americans with disabilities, further increasing costs.

While we know many of the causes of disabilities which continue to grow in numbers and costs, very little is spent on prevention of disabilities, especially those afflicting our children. Furthermore, many Americans with disabilities are at great risk for developing secondary disabilities (such as urinary tract infection and pressure sores in persons with spinal cord injuries and impaired mobility) which lead to reduced work capacity and which make it difficult to live independently in the community.

The Centers for Disease Control, based on appropriations report language, has established a program of grants to states to establish and enhance statewide programs aimed at lowering the incidence of disabilities through preventive strategies. The approximately \$10 million appropriated for fiscal year 1991 should allow CDC to fund 20 state programs, up from the current 9 grants. Permanent authorization and expanded support is necessary to assure that all states have disability prevention programs. The Disabilities Prevention Act of 1991 would accomplish this by providing a 5 year authorization for a disabilities prevention program which should allow for the support of prevention programs in each of the 50 states. The Act was conceived of by the National Council on Disability, an advisory group appointed by the President.

BILL SUMMARY

Authorizes a program on disability prevention within the Centers for Disease Control (CDC) by adding a new section (315) to the Public Health Service Act.

Sections 315 (a) and (b) establish the program by authorizing the Secretary of HHS, acting through the Director of the CDC, to

enter into cooperative agreements with public and non-profit entities for the purpose of carrying out programs for the prevention of primary and secondary disabilities. Activities for which the Secretary may make awards include:

- (1) Coordinating activities for the prevention of disabilities;
- (2) Conducting demonstrations and interventions;
- (3) Conducting surveillance and studies;
- (4) Educating the public; and
- (5) Educating and training health professionals.

Section 315(c) prohibits the Secretary from making a grant unless the applicant agrees to submit regular reports as designated by the Secretary.

Section 315(d) directs the Secretary to consult with the National Council on Disability in setting priorities for disability prevention activities.

Section 315(f) stipulates that not more than 10 percent of a grant may be used for education and training of health professionals.

Section 315(g) permits the Secretary to provide training and technical assistance to states to help in the planning, development or operation of disability prevention programs.

Section 315(i) requires the Secretary to evaluate the programs authorized by this Act and to prepare and submit to Congress and the National Council on Disability a report by January 1, 1991 and annually thereafter summarizing these evaluations.

Section 315(j) defines the term "prevention" for purposes of this Act.

Section 315(k) authorizes \$15 million for fiscal year 1992, \$20 million for fiscal year 1993, \$25 million for fiscal year 1994 and such sums as necessary in fiscal year 1995 and 1996 to carry out the Act.

OLDER AMERICANS HEALTH PROMOTION AND DISEASE PREVENTION ACT BACKGROUND AND NEED

It is too often assumed that older Americans don't stand to benefit from health promotion or wellness programs. There is a commonly accepted stereotype that older people are set in their ways and unwilling to take steps to adapt healthier lifestyles or seek preventive services. These worn out presumptions are simply not true. Recent studies have shown that not only are older people generally as willing as others to change lifestyle habits such as eating and smoking, they are also just as likely as younger people to benefit from health promotion activities. In fact, a recent study found that older smokers who quit benefited far more than younger quitters, since the incidence of heart attack and deaths rises markedly with age.

While Medicare has been expanded in the past several years to provide coverage for some preventive services (mammography screening, pap smears and pneumonia vaccines), many preventive services remained uncovered. Furthermore, Medicare covers no health promotion services which have been directly linked to reduced health care costs, for example, smoking cessation, nutrition counseling and weight reduction, alcohol control, and injury prevention.

There is a great need to increase older Americans' access to and participation in prevention and health promotion activities. Senior centers and congregate meal programs funded through the Older Americans Act are providing these services, but on a very limited and inconsistent basis. They,

along with the meals-on-wheels programs are ideally suited for the provision of these types of programs because so many older people are reached by them each day. Thousands of seniors who come each day for a hot lunch or other activities or who are visited by meals-on-wheels could be screened for high blood pressure, participate in an exercise program or a smoking cessation class without having to make a trip to a health clinic or doctors office.

The Older Americans Disease Prevention and Health Promotion Act is designed to help meet this need by expanding Part F of the Act to include a full range of health promotion and disease prevention services, specifically authorize provision of these services at congregate meals sites and through meals-on-wheels programs, and to increase authorization for the program from \$5 million to \$25 million.

BILL SUMMARY Sections 1 and 2

Section 361 (Part F—Preventive Health Services) is amended to require the Commissioner on Aging, make grants to the States to provide disease prevention and health promotion services and information at senior centers, congregate meal sites, home-delivered meals programs or at other appropriate sites.

Section 3

Defines the term "disease prevention and health promotion" services to mean:

- (1) Health risk assessments;
- (2) Routine health screenings;
- (3) Nutritional counseling and educational services;
- (4) Health promotion programs, including those aimed at alcohol abuse reduction, smoking cessation, weight loss and control and stress management.
- (5) Group exercise programs;
- (6) Home injury control services;
- (7) Screening for prevention of depression;
- (8) Educational programs on the availability, benefits, and appropriate use of Medicare covered preventive health services; and,
- (9) Counseling regarding followup health services found to be needed based on any of the above services.

These services shall not include any for which payment is available through the Medicare program.

Section 4

Authorizes \$25 million in fiscal year 1992 and such sums as may be necessary in fiscal years 1993-1995 to carry out this program.

• **Mr. LIEBERMAN.** Mr. President, I am pleased to join as a cosponsor of the prevention first legislative package, which Senator HARKIN is introducing today. The bills being offered today will serve to focus our health care system on the prevention of disease and the promotion of healthy lifestyles. For a long time our health care system has been focused on the treatment of individuals once they become ill. There is nothing wrong with this approach; however, much can and should be done to help individuals stay healthy in the first place. It is always preferable and less expensive to prevent disease than to treat its effects. The legislative package being introduced today takes a proactive approach and establishes new programs or expands the scope and reach of existing ones to help individuals from becoming ill, to help detect

illness in its early stages of onset when it's easier, less life-threatening, and less expensive to treat, and to educate the public and health professionals on the vast benefits of preventive care.

While I support the entire legislative package, I am especially supportive of the Lead Poisoning Prevention Act. For decades we have known of the devastating effects of lead poisoning on children. Exposure to even low levels of lead may cause irreversible neurological damage, decreased intelligence, learning disabilities, and disruptive behavior in unsuspecting children. Lead is a stealth disease. The effects of lead poisoning can exist long before any overt symptoms appear. There are, however, actions the Government can and must take to protect our children from the scourge of this stealth disease.

On February 7, 1991, I cosponsored the Lead Exposure Reduction Act of 1991, along with Senators REID, BRADLEY, and JEFFORDS, which would enable us to begin to wage a war against this disease. It provides for the ban of lead in certain consumer products such as paint, plumbing fixtures, food cans and packaging, toys, curtain weights, and foils for wine bottles. It prohibits the sale of leaded gasoline in urban areas and at prices less than the lowest unleaded gasoline. The bill also includes a comprehensive program to promote lead exposure abatement by developing better standards for detection of lead levels in blood, studying the sources of lead exposure in children who have elevated blood lead levels, and studying the relative contribution to lead body burden from water, air, soil, and paint.

Senator HARKIN's Lead Poisoning Prevention Act is a critical complement to the Lead Exposure Reduction Act. The Lead Poisoning Prevention Act expands the number and scope of grants from the Centers for Disease Control so that all 50 States have the ability to increase the number of children screened and to refer affected children for appropriate treatment. Without a national screening program we will not be able to identify those children being exposed to potentially dangerous levels of lead and remove them from their lead-contaminated environment as early as possible.

In order for national screening to be effective, the public must be educated on the sources of lead in their homes and their environment and the vast benefits of and the means for reducing lead in their environment. Health care providers must be made aware of the importance and benefits of doing routine blood lead screening of the children they care for. The Lead Poisoning Prevention Act establishes a national education program to provide public and professional education on the sources and routes of exposure, the value of screening, and preventive measures to decrease exposure.

The bill also establishes a research program to develop improved testing measures that are simple, accurate, and inexpensive to detect lead poisoning in children. In addition, the bill requires a long-term study that will assess the occurrence and prevalence of lead poisoning. Currently it is estimated that between three and four million children suffer from lead poisoning. However, the studies called for in this bill and in the Lead Reduction Exposure Act will identify where the greatest prevalence of lead poisoning can be found and to what it is attributed.

The nationwide screening, education, and research programs that are provided in these two bills are the means to begin to wage a war against the number one environmental disease of young children. Unfortunately, since lead has contaminated our environment for hundreds of years it is ubiquitous and, therefore, the war against lead poisoning will not be a quick and decisive one. Nonetheless, it must begin before we lose even more of our precious resources—our children—to this stealth disease. I look forward to working closely with Senator HARKIN to enact this legislation this year. •

• Mr. DURENBERGER. Mr. President, we are all aware of the many successful Federal prevention programs, including Head Start, WIC, the Maternal Child Health Block Grant, to name just a few. Year after year these programs receive high acclaim and support within the Congress for saving future dollars and providing a higher quality of life for recipients. However, in the area of disability, our national focus has been primarily in the area of services, not prevention. This needs to change.

That is why I am joining today with my colleague from Iowa in introducing the Disabilities Prevention Act of 1991. This bill will establish a statewide network program to prevent disabilities and to prevent complications that result from existing disabilities.

Mr. President, I know the difficulty of focusing on future benefits and future savings when we are facing serious immediate needs and prevailing budget shortfalls. And I know the realities of getting a cost score from the Congressional Budget Office that measures the value of prevention programs in terms of future savings and benefits. But, we all know that in real terms, prevention programs, like this one, end up saving money down the road and spare our children from shouldering future debt.

The knowledge and technology to prevent many instances and factors that lead to disabling conditions is available today and research indicates that preventative measures would reduce the number of new additions to the disability population. Still, we have failed to provide the necessary resources to turn this knowledge into action.

The bill before us today is a first step in that direction. It will establish cooperative agreements to support state-based prevention and evaluation activities. Under this bill, a state-based office will provide guidance and technical assistance for disability prevention within the State. Another aspect of this program will focus on the prevention of secondary disabilities. For example, we know that a person in a wheelchair is more prone to develop heart and lung deficiencies. Enhanced research and coordinated cooperation in this area would prevent secondary disabilities that often make the difference between independence and dependence.

Disabilities can result in staggering costs in monetary terms as well as personal and family disruption. A basic goal of this legislation is to improve communication and coordination to make prevention more cost effective.

Mr. President, if we can save even a few innocent victims of needless and preventable disabilities—the crack babies, the person left paralyzed by a car crash who was not wearing a seat belt—or make life easier for a person with a disability by preventing secondary disabilities this legislation will be a success. However, I am convinced that the \$10 million spent on this program today will be returned many times over. And more importantly, that thousands of lives, not just a few, will be made a little better.

This bill was developed in conjunction with the National Council on the Handicapped in its report "On the Threshold of Independence" as part of its recommendation to bring people with disabilities into the mainstream. In its report, it called on Congress to provide a national focus for the prevention of disabilities by providing funding for special programs related to disability prevention. Since that time, the Center for Disease Control has picked up the idea and has funded nine state-based projects. However, CDC reports that over 40 States have expressed an interest in participating. The bill before us will establish statutory authority for this program and move us forward so that eventually all States can participate in this program.

Mr. President, I urge my colleagues to support this important legislation. •

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. SEYMOUR, his name was added as a cosponsor of S. 9, a bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy.

At the request of Mr. DOLE, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 9, supra.

S. 25

At the request of Mr. METZENBAUM, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 39

At the request of Mr. ROTH, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 115

At the request of Mr. BIDEN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 115, a bill to restore the traditional observance of Memorial Day and Veterans Day.

S. 141

At the request of Mr. DASCHLE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 143

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 143, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 153

At the request of Mr. COATS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 153, a bill to authorize States to regulate certain solid waste.

S. 173

At the request of Mr. HOLLINGS, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 242

At the request of Mr. GLENN, the names of the Senator from Colorado [Mr. WIRTH], the Senator from South Dakota [Mr. DASCHLE], the Senator from Oregon [Mr. PACKWOOD], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 242, a bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by

certain Government employees and for other purposes.

S. 250

At the request of Mr. FORD, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 254

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 254, a bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor.

S. 280

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 280, a bill to provide for the inclusion of foreign deposits in the deposit insurance assessment base, to permit inclusion of non-deposit liabilities in the deposit insurance assessment base, to require the FDIC to implement a risk-based deposit insurance premium structure, to establish guidelines for early regulatory intervention in the financial decline of banks, and to permit regulatory restrictions on brokered deposits.

S. 284

At the request of Mr. BRADLEY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 288

At the request of Mr. DIXON, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 288, a bill to establish a series of 8 Presidential primaries at which the public may express its preference for the nomination of an individual for election to the Office of President of the United States.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 349

At the request of Mr. BUMPERS, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Hawaii [Mr. INOUE], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes.

S. 362

At the request of Mr. SHELBY, the name of the Senator from Alabama

[Mr. HEFLIN] was added as a cosponsor of S. 362, a bill to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama.

S. 385

At the request of Mr. AKAKA, the names of the Senator from Wisconsin [Mr. KASTEN] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 385, a bill to amend section 21A of the Federal Home Loan Bank Act to establish additional procedures and requirements relating to the identification and disposition of environmentally sensitive land and other property with natural, cultural, recreational, or scientific values of special significance by the Resolution Trust Corporation.

S. 386

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 386, a bill to amend title 38, United States Code, to define the period of the Persian Gulf War to extend eligibility for pension, medical, educational, housing, financial, and other benefits provided under the title to veterans of the war, and for other purposes.

S. 400

At the request of Mr. SYMMS, the names of the Senator from Nevada [Mr. REID] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 400, a bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from Illinois [Mr. SIMON], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Wisconsin [Mr. KASTEN], the Senator from Indiana [Mr. LUGAR], the Senator from Oregon [Mr. HATFIELD], the Senator from Hawaii [Mr. INOUE], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 434

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 434, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 456

At the request of Ms. MIKULSKI, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Hawaii [Mr. INOUE], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 456, a bill to amend chapter 83 of title 5, United States Code, to extend the civil service

retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

S. 469

At the request of Mr. DODD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 469, a bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes.

S. 479

At the request of Mr. LEAHY, the names of the Senator from California [Mr. CRANSTON] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 479, a bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Massachusetts [Mr. KERRY], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Hawaii [Mr. AKAKA], the Senator from New Mexico [Mr. DOMENICI], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 73, a joint resolution designating October 1991 as "National Domestic Violence Awareness Month."

SENATE RESOLUTION 63—RELATIVE TO HUMAN RIGHTS VIOLATIONS IN CUBA

Mr. GRAHAM (for himself, Mr. MACK, Mr. GRAMM, Mr. LIEBERMAN, Mr. SYMMS, Mr. LEVIN, Mr. BENTSEN, and

Mr. BRADLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 63

Whereas according to the Department of State Country Reports on Human Rights Practices for 1990, the Government of Cuba "sharply restricts virtually all basic human rights, including freedoms of expression, association, assembly, and movement, as well as the right to privacy, the right of citizens to change their own government, and workers rights";

Whereas the Government of Cuba imprisons persons solely for the nonviolent expression of their political views, including the world's longest held political prisoner, Mario Chanes de Armas, who has been imprisoned for 30 years, and Ernesto Diaz, who has served 21 years in prison;

Whereas in March 1988, the United Nations Human Rights Commission undertook a review of Cuban human rights practices, and a working group of the Commission visited Cuba in September 1988;

Whereas in March 1990, the United Nations Human Rights Commission approved a resolution citing its continued concerns regarding the human rights situation in Cuba;

Whereas since the September 1988 visit of the United Nations Human Rights Commission working group, the Government of Cuba has arrested, harassed, and intimidated scores of human rights monitors and independent activists, many of whom cooperated with the United Nations Human Rights Commission investigation;

Whereas at least 31 human rights monitors and independent activists are currently serving prison sentences, another two are under house arrest, and many others are awaiting trial; and

Whereas the International Committee of the Red Cross was denied access to Cuban prisons and inmates in 1990: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of Cuba for its gross violations of internationally recognized human rights of the Cuban people, including its systematic harassment and intimidation of Cuban human rights monitors and independent activists;

(2) calls upon the Government of Cuba—

(A) to release from prison and house arrest all human rights monitors, independent activists, and other political prisoners,

(B) to respect internationally recognized human rights, and

(C) to allow the International Committee of the Red Cross access to Cuban prisons;

(3) commends the United Nations Human Rights Commission for its attention to the human rights situation in Cuba;

(4) urges all member States of the United Nations Human Rights Commission to support the continued investigation of Cuban human rights violations by the appointment of special rapporteur or working group on Cuba; and

(5) commends the United States delegation to the United Nations Human Rights Commission for its diligence in pursuing this important issue.

Mr. GRAHAM. Mr. President, I am submitting a resolution today that condemns the Cuban Government for gross violations of internationally recognized human rights and calls on the U.N. Human Rights Commission—now meeting in Geneva—to establish a working group to continue the U.N.'s

investigation of Cuban human rights violations.

The resolution also calls on the Castro regime to allow the International Committee of the Red Cross access to Cuban prisons.

Senators MACK, GRAMM, LIEBERMAN, SYMMS, LEVIN, BENTSEN, and BRADLEY join me as original cosponsors.

Mr. President, the Persian Gulf crisis continues to occupy our full attention, as it should. One lesson we should draw from this conflict, however, is that in the name of political expediency we cannot turn a blind eye to regimes that engage in systematic violation of human rights.

Iraq was and continues to be such a regime.

Despite numerous and well-documented human rights violations by Iraq, we deluded ourselves into playing a game of accommodation. We lulled ourselves into an utter state of complacency. We are now paying a very stiff price for that complacency.

That raises the question of another dictator, this one just 90 miles south of the United States. Fidel Castro has been violating human rights virtually since the day he took power over 30 years ago.

Those violations have been widely documented. The United Nations issued one of the more recent reports in 1988—its first ever on Cuba—condemning Castro's human rights violations.

Unfortunately, the human rights situation in Cuba remains grave. Respected nongovernmental organizations such as Amnesty International, Americas Watch, and Freedom House continue to publish extensive studies documenting human rights violations.

The Castro government, for example, has arrested, harassed, and intimidated scores of human rights monitors and independent activists, many of whom cooperated with the U.N.'s 1988 investigation. This after a promise from Castro that he would take no action against those assisting U.N. investigators.

Castro has come down particularly hard on human rights monitors. Thirty-one of them are currently serving prison sentences, another two are under house arrest, and many others are awaiting trial.

Moreover, the world's longest serving political prisoner, Mario Chanes de Armas, remains in prison for the 30th year.

As a result of this continuing pattern of abuse, the United Nations last year approved a second resolution calling on U.N. Secretary General Perez de Cuellar to maintain contact with the Castro government, focusing particularly on the plight of those who cooperated with the United Nations in its 1988 investigation.

Castro responded to the United Nations by telling the press not to imagine "that we will obey one word" of the

U.N. resolution. This from a member country of the U.N. Human Rights Commission.

Mr. President, we virtually ignored human rights violations in Iraq for the last 10 years. We are now paying a very heavy price for our misguided policy of accommodation. Let's not repeat the mistake in the case of Cuba.

I hope that the leadership will consider approving this resolution under unanimous consent so that we can send a clear message this week, prior to a decision by the U.N. Human Rights Commission.

SENATE RESOLUTION 64—RELATING TO THE DEATH OF THE HON. JOHN SHERMAN COOPER

Mr. FORD (for himself, Mr. MCCONNELL, Mr. MITCHELL, and Mr. DOLE) submitted the following resolution, which was considered and agreed to.

S. RES. 64

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John Sherman Cooper, formerly a Senator from the State of Kentucky.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recess today, it recess as a further mark of respect to the memory of the deceased Senator.

SENATE RESOLUTION 65—RELATING TO CUBA'S HUMAN RIGHTS VIOLATIONS

Mr. GRAHAM (for himself, Mr. MACK, Mr. GRAMM, Mr. LIEBERMAN, Mr. SYMMS, Mr. LEVIN, Mr. BENTSEN, Mr. BRADLEY, Mr. MITCHELL, Mr. PACKWOOD, and Mr. CRAIG) submitted the following resolution; which was considered and agreed to.

S. RES. 65

Whereas according to the Department of State Country Reports on Human Rights Practices for 1990, the Government of Cuba "sharply restricts virtually all basic human rights, including freedoms of expression, association, assembly, and movement, as well as the right to privacy, the right of citizens to change their own government, and workers rights";

Whereas the Government of Cuba imprisons persons solely for the nonviolent expression of their political views, including the world's longest held political prisoner, Mario Chanes de Armas, who has been imprisoned for 30 years, and Ernesto Diaz, who has served 21 years in prison;

Whereas in March 1988, the United Nations Human Rights Commission undertook a review of Cuban human rights practices, and a working group of the Commission visited Cuba in September 1988;

Whereas in March 1990, the United Nations Human Rights Commission approved a resolution citing its continued concerns regarding the human rights situation in Cuba;

Whereas since the September 1988 visit of the United Nations Human Rights Commission working group, the Government of Cuba

has arrested, harassed, and intimidated scores of human rights monitors and independent activists, many of whom cooperated with the United Nations Human Rights Commission investigation;

Whereas at least 31 human rights monitors and independent activists are currently serving prison sentences, another two are under house arrest, and many others are awaiting trial; and

Whereas the International Committee of the Red Cross was denied access to Cuban prisons and inmates in 1990:

Now, therefore, be it

Resolved, That the Senate—

(1) commends the Government of Cuba for its gross violation of internationally recognized human rights of Cuban people, including its systematic harassment and intimidation of Cuban human rights monitors and independent activists;

(2) calls upon the Government of Cuba—

(A) to release from prison and house arrest all human rights monitors, independent activists, and other political prisoners,

(B) to respect internationally recognized human rights, and

(C) to allow the International Committee of the Red Cross access to Cuban prisons;

(3) commends the United Nations Human Rights Commission for its attention to the human rights situation in Cuba;

(4) urges all member States of the United Nations Human Rights Commission to support the continued investigation of Cuban human rights violations by the appointment of special rapporteur or working group on Cuba; and

(5) commends the United States delegation to the United Nations Human Rights Commission for its diligence in pursuing this important issue.

AMENDMENT SUBMITTED

NATIONAL ARBOR DAY

BRADLEY AMENDMENT NO. 12

Mr. FORD (for Mr. BRADLEY) proposed an amendment to the joint resolution (S.J. Res. 64) to authorize the President to proclaim the last Friday of April as "National Arbor Day," as follows:

On page 1, line 4, insert "1991," after "April".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a nomination hearing on Edward Madigan, to be Secretary of Agriculture, on March 5, 1991, at 9:30 a.m. in SR-332.

For further information, please contact Lynnett Wagner of the committee staff at 224-5207.

Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a business meeting on March 6, 1991, at 10 a.m. in SR-332.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold an additional hearing on S. 341, the National Energy Security Act of 1991. The purpose of this hearing is to receive testimony on the transportation provisions of title XI of S. 341 and on the alternative-fuel fleet proposal in the administration's national energy strategy.

The hearing will take place on Wednesday, March 20, 1991, beginning at 2 p.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, 20510.

For further information, please contact Sam Fowler of the committee staff at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m. February 26, 1991, to receive testimony on S. 341, the National Energy Security Act of 1991, subtitle C of title IV concerning provisions pertaining to hydro-power licensing and efficiency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Tuesday, February 26, 1991, at 2:30 p.m., to receive testimony on current trends in the Soviet Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m. February 26, 1991, to receive testimony on S. 341, the National Energy Security Act of 1991, title III and subtitles A and B of title IV concerning provisions pertaining to energy efficiency and renewable energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet

during the session of the Senate on Tuesday, February 26, 1991, and Wednesday, February 27, 1991, at 10 a.m., to hold a hearing on the nomination of Robert Martinez to be Director of the Office of National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LITHUANIAN INDEPENDENCE DAY

• Mr. BUMPERS. Mr. President, Congress was in recess on a day which has grown in significance for many throughout the world. February 16 is the day which marks Lithuanian independence. And on this particular anniversary, in this particular year, we join with all who mourn the January 13 of those citizens of Lithuania whose only crime was to demonstrate for freedom.

For years we have spoken out in support of Lithuania. But I am now more troubled than I have been before. Freedom and sovereignty seem ever more elusive. We still hope to see Soviet recognition of a fully independent Lithuania, but I would not predict that outcome.

Mr. President, I support and the Lithuanian-American community in Arkansas supports Lithuanian independence and sovereignty. We have watched over the past month for some signs of change in Soviet policy in Lithuania.

Soviet military forces continue to occupy the Baltic Republics.

The Soviet Government continues to search out the young men of Lithuania to force their conscription.

The will of the people—expressed in a national vote where more than 90 percent of the ballots cast were a vote for independence—has had little impact.

All of this troubles me. It continues the history of occupation which has plagued the citizens of Lithuania. But it does not reflect the new thinking within the Soviet Union that had offered so much hope. The decision to use military force last month in Lithuania violates the principles that President Gorbachev himself has claimed should serve as the basis for a reformed Soviet system.

It is my hope that despite wrenching change, we will support human rights and economic reform within the Soviet Union while insisting upon a free and independent Lithuania. Lasting peace can exclude neither of these.

A lasting peace would do as much to improve the lives of those 7,000 Lithuanians living in and around Moscow as it would those living in Vilnius. A number of those same residents marked February 16 at the Lithuanian Republic's permanent mission in Moscow. So many attended that not all

could find seats inside the hall, but all who came sang the Lithuanian hymn. The reports I have heard say that the hymn brought tears to the eyes of those who participated and was listened to by hundreds of Muscovites who passed near the mission building at the time. Later that evening at the St. Louis Catholic Church adjacent to the KGB prison, the sermon was preached in Lithuanian for the first time. I know how significant and how moving this must have been.

In spite of my concerns about Soviet policy, I am more optimistic about the resilience and strength of a great people. If there is hope that the struggle for independence may be peacefully resolved, it is to be found in the dignity of the Lithuanian citizens and in the response of individuals like those who listened sympathetically outside the Lithuanian mission in Moscow.

This is an appropriate time to remember that Lithuania has a long history of withstanding occupation. It has existed as a sovereign nation since 1251 when Mindaugas was crowned King of the united Lithuanian principalities. Since that time, Lithuanians have maintained their own culture, language, and traditions through centuries of invasion and annexation. Determination and courage is part of Lithuanian cultural heritage.

Today, events of a single week can carry the weight and assume the stature of history. A single incident can shape world response. I would like to focus for a moment on a period of less than a week. Since the events of January 13, when 14 Lithuanians lost their lives while demonstrating for freedom, no single collection of days has been as significant as that which began on Friday the 8th of February. On that day, an additional 1,400 members of the Soviet military were brought into Lithuania.

By the 10th of February more than 86 percent of the population of Lithuania had voted, and more than 90 percent of those votes were for independence. On February 10, a member of the Moscow domestic news service reported on the election, commenting:

Vilnius made a strong impression on me yesterday. I would say that its inhabitants were calmly dignified. Many hundreds of them came with their families to the legislature building. On the sidewalks folk songs rang out. People warmed themselves at the bonfires which have sprung up right on the roads, drank tea which was served from field kitchens. I realized that no matter how hard it is for Lithuania, peaceful tranquility is possible on this Earth. People can and must understand each other.

On the next day, a German reporter interviewed Vytautas Landsbergis, Lithuanian Supreme Council Chairman. The reporter began:

We are sitting here protected by sandbags in the legislative building in Vilnius.

He continued, referring to the period of Lithuanian independence of 1918 to 1940.

His next question surprised me:

In Lithuania's history *** independence *** ended with the Hitler-Stalin Pact. At that time Germany made itself guilty concerning Lithuania's fate. Do you feel that you receive sufficient support from Germany today?

This question made me consider two things: First, that Germany was not glossing over its part in Lithuania's loss of freedom; and, second, that it was only in the past year that the Soviet Government officially owned up to what the whole world knew, that Hitler and Stalin had signed a secret pact in 1939. That secret pact resulted in the last 50 years of Soviet occupation of Lithuania.

Opposition to that occupation continues. On February 13, a delegation from the United States Congress arrived in Vilnius, a signal of our Nation's concern for the welfare of Lithuanians and a recognition of the importance of human rights. These rights, we believe, must be the foundation of both national sovereignty and international agreement.

Yet, the most telling and significant statement of this remarkable week in February came from Mr. Landsbergis, who told his fellow citizens of Lithuania and the world:

Our state is being reborn in front of our eyes *** because it was already born in our souls and hearts. *** A real Lithuania is arising. *** This is the greatest, incomparable, legal, political and moral meaning of Lithuania's way.

I would add to Mr. Landsbergis' comments that for those who have been witness to the struggle for independence, we have seen little to match the determination and dignity of the Lithuanian people. Here is a place where freedom is cherished. I am proud to add my voice to those who celebrate Lithuanian independence. In the native language of Lithuania, "Linksmia nepriklausomos diena! Sugrįski laisvę Lietuvoj!"

TRIBUTE TO ERIC PILOTTE, AWARD RECIPIENT

• Mr. SMITH. Mr. President, I want to commend Mr. Eric Pilotte, of Manchester, NH, one of New Hampshire's State recipients of the fifth annual AAU/Mars Milky Way High School All-American Award and College Scholarship Program.

A senior at Manchester Memorial High School, Eric is one of eight outstanding high school seniors from across the country selected as regional recipients for their extraordinary scholastic, athletic, and community service achievements. He has been awarded a \$10,000 scholarship toward his college education.

Eric has a distinguished academic record. He is a member of the National Honor Society and has received several awards, including the 1990 Dartmouth Book Club Award, the 1990 Century III Leaders Scholarship and the Daughters of the American Revolution Good Citizenship Award. Currently, Eric is student body president.

An accomplished athlete, Eric is a member of the varsity cross country team and the 1990 Manchester all-city cross country team. He ranked in the top 10 in the State pole-vault competition. Eric also participates in volleyball as the founder and coordinator of the first intramural men's volleyball tournament.

Despite a demanding schedule, Eric finds time for a variety of community service activities. He is a math tutor, a Manchester City School Board representative, and has volunteered on three political campaigns. Eric was also a Special Olympics volunteer "buddy" for handicapped and retarded athletes and has organized a Toys for Tots drive at his school.

Eric will be honored by an awards ceremony at Manchester Memorial High School on March 14. This young man's achievements should serve as an inspiration to all. On behalf of myself and the State of New Hampshire, we offer our sincerest congratulations on this accomplishment and best wishes in his future endeavors.

MARYLAND STATE SENATE SUPPORTS TROOPS

• Ms. MIKULSKI. Mr. President, recently the Maryland State Senate approved a proclamation in support of our troops in the gulf. The proclamation further condemns Iraqi aggression, supports the President, commends the people of Israel, and the allied forces, and, finally, expresses hope for a peaceful world for our children.

Maryland is proud of the men and women she has provided for the national defense, and I ask that the text of the Maryland State Senate proclamation be printed at this point in the RECORD.

The proclamation follows:

PROCLAMATION: THE SUPPORT AND COMMENDATION OF U.S. TROOPS IN THE PERSIAN GULF

Whereas, over the course of our state's history, courageous Maryland men and women have fought for freedom and principle; and

Whereas, their heroic efforts in armed conflict have often resulted in the tragic loss of life and lifetimes of struggle with physical disabilities; and

Whereas, at this point in our nation's history, Americans find themselves again fighting against tyranny and for the principle of self-determination, and again Maryland has been called upon to support the cause of justice; now, therefore, be it

Proclaimed by the Senate of Maryland, that the entire membership salutes the brave service men and women and their families as they selflessly fight for the freedom of our

country and the world against unprovoked aggression and tyranny; and be it further

Proclaimed, that we, the members of the Senate of Maryland, condemn the wanton destruction perpetrated by Iraq and are outraged by the attacks on the civilian population of Israel; and be it further

Proclaimed, that the Senate of Maryland salutes its allies throughout the world who have joined with us against the aggression of Iraq; and be it further

Proclaimed, that we, the members of the Senate of Maryland, want the President of the United States and the United States Congress to know of our support, and wish to apprise the people of Israel of our endorsement of their efforts during this period of war in the Middle East to work harmoniously with the United States and the allied forces; and be it further

Proclaimed, that we, the members of the Senate of Maryland, join in the collective effort to provide a peaceful world for our children. •

ESTONIAN INDEPENDENCE DAY

• Mr. COATS. Mr. President, as our Nation's attention is focused rightly on the brave efforts of our troops in the Persian Gulf, I would like to take a moment to remember another group of brave individuals who are also fighting a valiant battle against naked aggression. These are the people of the Republic of Estonia.

February 24 marks the 73rd anniversary of Estonia's declaration of independence. For citizens in cities such as Tallinn, and towns such as Rakvere, this should be a time of celebration, but Estonia remains a nation under foreign military occupation. Estonia's future and the very survival of its people are still threatened by the continuing military oppression and forced immigration into Estonia from the Soviet Union.

We must not let ourselves forget the recent events in Estonia's southern neighbor, Lithuania. These blatant acts of terror against a defenseless people can easily be repeated in Estonia if we continue to ignore what the Kremlin is doing. If we are going to stand up to the immoral murder of innocent civilians, and the occupation of a sovereign country in the Middle East, we must also confront such ruthless acts in the Baltic region. Mr. President, we cannot afford to sit by passively as the potential for the same grave treatment of innocent people looms ominously on the Estonian horizon.

These recent acts of violence raise urgent questions about Soviet promises of peaceful change in the Baltics and throughout the Soviet Union. As a fervent, longtime supporter of Baltic independence, I believe that we, as Americans, have a moral obligation to promote and recognize the legitimate, freely elected, governments of these republics.

I have been told that since the Soviet-Nazi pact in 1939, which locked the door on the Baltic's prison cell, the flags of the free republics have flown at

the State Department. Ten administrations, dating back to Franklin Roosevelt, have all championed our Nation's commitment to the people of the Baltics. It is this consistent commitment to the principles of freedom and independence that remain the motive for the brave battle that Estonians fight. Failure to uphold this commitment would be turning our backs on a proud, brave people and diminishing our credibility before a watching world.

For 50 years Estonia has known the oppressive force of the Soviet Empire. Now they are demanding what is theirs by right. They make a claim that we have recognized for generations. Words, backed up by actions of support for Estonia, Lithuania, and Latvia can make all the difference.

What can we do to make this support clear? I have long believed the need to make sure the Soviet Government fully understands the stakes for which they are playing. We should promise an end to all trade talks with the Kremlin if the Baltic republics are not given a viable plan for their freedom. We should immediately appoint a U.S. representative to their democratically elected governments. We should start practicing what we have been preaching for the last 50 years—formal recognition of the freely elected Government of Estonia, as well as her Baltic sisters.

Our fine young men and women currently in the gulf remind us of our responsibility as the leader in freedom's cause. Just as the cause we fight for in Operation Desert Storm is just, so is the heroic fight of the people of Estonia against an immoral occupying power.

The United States Congress must send a strong, clear message of unfailing support for the people of Estonia. And, we must always remember their heroic efforts of the past 73 years. •

FOREST SERVICE PLANS FOR INCREASED RECREATIONAL USE

• Mr. WIRTH. Mr. President, I would like to address for a few moments the changing patterns of use we are seeing develop in our national forests. Recently, the Forest Service's Region 2 headquarters, which manages the national forests in my home State of Colorado, released a draft of the Rocky Mountain Regional Guide, the long-range planning tool the Forest Service will use to project management trends for the coming decade.

The regional guide recognizes the shifting of the public's priorities from extraction to attraction now underway in the West. While traditional resource development should and will continue, the growing demand for recreational opportunities in our national forests must be met. A new approach is needed and I commend Regional Forester Gary

Cargill and the entire planning team in the Region 2 office for responding.

The plan calls for miles of new trails, new campgrounds, increased hunting and fishing. Overall, recreation programs will increase 12 percent over the next 5 years. Moreover, the ski industry, which operates primarily on national forest lands in my State will be allowed to grow to meet market demand. Of equal importance, the Forest Service plans to move away from money-losing below-cost timber sales by the year 2000 in Region 2. I could not agree more that the time has come to spend our money more wisely.

Mr. President, it is the public which has called for this shift of priorities and the Forest Service, to their credit, is planning accordingly. I ask consent to insert an editorial on this subject which appeared in the Denver Post immediately following my remarks and I thank the President.

The editorial follows:

BLAZING NEW TRAILS FOR FORESTS

The Denver office of the U.S. Forest Service appears at last to be headed down a path that hordes of campers, hikers and other outdoor enthusiasts have been urging it to follow for the past decade.

It's planning to put more emphasis on recreation in the national forests of Colorado, Wyoming and South Dakota, while downplaying timber cutting, road building and livestock grazing.

This shift in priorities, outlined in a draft of a new long-range planning guide, is a welcome step in the right direction. It shows that Regional Forester Gary Cargill and his aides are responding to the concerns of citizens who increasingly view the public lands as places to play rather than plunder.

One indication of the agency's new approach is its proposal to construct nearly 2,000 miles of new trails in the region over the next 50 years, while closing more than 2,000 miles of roadway. As the planning document puts it, trails will no longer be thought of merely as convenient ways to get from one place to another, but as recreational facilities on a par with campgrounds or visitor centers.

The commitment to recreation also can be seen in the agency's plan to double the opportunities for hunting, fishing and wildlife viewing—and to provide as much downhill skiing terrain as the market demands, while supporting the efforts of the host communities to become four-season resorts.

The agency clearly doesn't intend to place its forests off-limits to the logging industry. But it hopes to put an end to money-losing timber sales in the central Rockies by the year 2000, and to cut back the annual commercial harvest in the region by roughly 10 percent by 2040.

These moves should do much to satisfy critics who argue that in this part of the country, it often makes more economic sense to leave trees standing than to cut them down for use in homes, furniture or fireplaces.

To its credit, the agency has recognized that some lumber-mill towns may be adversely affected by these policy changes, and has pledged to help diversify their economies as part of a national commitment to strengthen rural America.

In short, the new strategic plan looks like a well-reasoned response to changing public

needs. It should clear away a lot of dead wood and enable the agency to move into the 21st century in a socially and environmentally responsible manner.●

ESTONIAN INDEPENDENCE

● Mr. BRADLEY. Mr. President, our attention is focused today on the American men and women who are fighting to help restore the independence of a small nation that was brutally invaded by its larger neighbor.

I rise today to remind my colleagues that February 24 was the 73d anniversary of the independence of Estonia, a small nation whose right to exist was extinguished by the pact made between Stalin and Hitler in 1939.

The United States Government has never recognized the annexation of Estonia, and for more than 50 years we have asserted its right—and the rights of its Baltic neighbors, Lithuania and Latvia—to freedom and self-determination. The United States Congress has played an important role in ensuring that the Baltics continue to be a priority in American diplomacy and in our bilateral relationship with the Soviet Union. We must continue to call attention to the plight of the Baltics because their struggle embodies the fundamental values for which our Nation stands at home and abroad: The importance of genuine democratic processes and institutions; a free market; the importance of dealing with issues of ethnic and minority rights fairly and without divisive politicization.

Seventy-three years ago, the nation of Estonia won its independence. In 1920, Vladimir Lenin guaranteed that independence in the Treaty of Tartu. Within months of the Molotov-Ribbentrop Pact in 1939 there were 25,000 Soviet soldiers in Estonia. The period of Soviet occupation that began then was marked by mass arrests and executions in the Stalin period, and then the repression and decay of this nation in the decades of Soviet rule.

Gorbachev promised an end to that repression. He promised freedom and self-determination for Estonia. Now, in the face of the violence in Lithuania and Latvia, after the economic crack-down in the Soviet Union, amid evidence that the military is reasserting control of the society, that bright promise has dimmed. It is up to us to see that it is not extinguished.

The United States has always recognized Estonia and its Baltic neighbors as free nations, and now, when their hopes of regaining freedom are being systematically cut off, it is more important than ever that we support their efforts to reassert their national identity. The Soviet Government's ability to understand the right to self-determination and freedom will tell us much about the kind of partner that government can be in international organizations such as GATT, or in our bilateral

relationship. The Kremlin must understand how closely we are watching these developments.

I hope that next year, Estonia will celebrate the 74th anniversary of its independence a free country.●

RELEASE OF BIRMINGHAM SIX

● Mr. BIDEN. Mr. President, today I would like to call the attention of my colleagues to the imminent release of the so-called Birmingham Six, a group of Irish nationals who were convicted in 1975 of two bombings committed by the Irish Republican Army [IRA]. Yesterday in London, the British Government announced that it could no longer rely on the evidence used to convict the men, and declared the convictions "unsafe and unsatisfactory." The appeal of the case is scheduled for March 4. Because the Government prosecutors will not contest the appeal, the release of the men by the court of appeal is virtually assured.

The release of these men—Hugh Callaghan, Patrick Hill, Gerard Hunter, Richard McKelkeny, William Power, and John Walker—is long overdue. As I discussed in detail in the Senate last March, when I introduced a resolution calling on the British Government to reopen their case, the men were convicted on evidence that was highly questionable at best, unreliable at worst.

For over 16 years, these men have languished in prison, sentenced to life terms for a crime they did not commit. Thankfully, their long nightmare is about to end. I am pleased that justice, although long delayed, is about to be done.

The case of the Birmingham Six is not unique. Erroneous convictions occur in every society, including our own. But this case has taken on greater significance because of its ramifications for Northern Ireland, where for two decades a terrible civil conflict has raged. An important obstacle to the resolution of the conflict is a lack of confidence, particularly among Roman Catholics, in the administration of justice. To put it bluntly, many Catholics in Northern Ireland do not believe they can get a fair trial in a British courtroom. The Birmingham Six case has long reaffirmed that belief.

Yesterday's announcement was the third time in 2 years that British prosecutors have admitted that IRA bombing suspects have been convicted on flawed evidence. Three cases does not a trend make. But it should cause the British Government to raise questions about a system which produce such gross injustices.

Let me be clear, in taking this position, I make no apologies for the IRA. In my view, the IRA is nothing more than a bunch of common criminals. Their effort to force 1 million Protestants into a united Ireland at the point

of a gun is terrorism, pure and simple. And this terrorism adds to what the Irish Times has correctly labeled a "climate of hostility and distrust" that obstructs a peaceful end to the Northern Ireland conflict.

But the British Government must also recognize that injustices in Northern Ireland contribute to the terrorist cause—injustice in the courts, injustice in equal opportunity of employment, and injustice in the laws of search and seizure. For the terrorist, the best weapon is a law that discriminates, a law that violates, a law that provokes injustice for some rather than promotes justice for all. Prime Minister Major must remember this fact, or he cannot hope for real progress in Northern Ireland.

I ask to insert into the RECORD an article from the Financial Times of London and an editorial from the Irish Times of Dublin.

The material follows:

[From the Financial Times, Feb. 26, 1991]

BRITAIN EXPECTED TO RELEASE WRONGLY-CONVICTED "BOMBERS"

(By Robert Rice and Kieran Cooke)

The six men jailed for life for the 1974 Birmingham pub bombings in which 21 people were killed and more than 160 injured are expected to be released from prison next week.

News that their 16-year ordeal may soon be over followed an announcement yesterday by British prosecuting authorities that they do not intend to contest the men's appeal.

The prosecution's barrister told a preliminary hearing of the English Court of Appeal that Sir Allen Green QC, the Director of Public Prosecutions (DPP), no longer intended to rely on the evidence of any of the investigating police officers in the case.

Sir Allan had already announced that he would not be relying on the scientific evidence.

This is the third time in two years that British authorities have admitted mistakenly jailing people accused of Irish Republican Army (IRA) terrorist acts on mainland Britain.

In October 1989 the Court of Appeal released the four people convicted of the 1974 pub bombings in Woolwich, south London, and Guildford, Surrey, after the DPP announced that police evidence in the case had been tampered and he would not contest their appeal.

In April 1990 the convictions of three Irish people sentenced to 25 years in jail for conspiracy to murder Mr. Tom King, the former Northern Ireland secretary and current defense secretary, were quashed by the Appeal Court.

The Birmingham Six case has been a point of friction between London and Dublin in recent years. Mr. Desmond O'Malley, the Irish Minister for Industry and leader of the small Progressive Democrats party, said yesterday that now the case was near to being resolved, relations between the two countries should improve.

The Irish government issued a statement yesterday saying that it was heartened that "at long last the ordeal of the men, which they have endured for over 16 years, is about to be brought to an end."

Mr. Charles Haughey, the Irish Prime Minister, said that it was deplorable that "a system of justice could perpetuate this terrible

inequity over such a long period." However, Mr. Haughey said that it must be acknowledged that the same system of justice "did in the end find within itself the means for correcting that injustice."

Their release will be delayed until the Court of Appeal has officially ruled that their convictions are unsafe and unsatisfactory.

Lord Justice Lloyd sitting with Lords Justice Farquharson and Mustill, said yesterday that it was for the Court of Appeal alone to decide whether the men should go free.

"It may be said that the result of the appeals is a foregone conclusion and that, since the Crown has shown its hand, we should allow the appeals here and now. We do not share that view," he said.

The judge said the Court had a duty to look at the fresh evidence and decide in the light of it whether the convictions were "unsafe and unsatisfactory."

The full appeal will be heard on March 4.

The six were convicted on the basis of alleged confessions, the explosives evidence and what Lord Lane, the Lord Chief Justice described during the men's full appeal hearing in 1987 as a "wealth" of circumstantial evidence.

[From the Irish Times, Feb. 26, 1991]

DELAYED JUSTICE

Justice is human, and sometimes, as in the case of the six men condemned for the IRA murder of 21 men and women in Birmingham 17 years ago, it is all too human. Mingled with the frustration over the delays that have dragged out the months of the final denouement the anger over the lost years and the stubbornness of a legal system that refused to admit the possibility that it could be wrong throughout the entire process from arrest and investigation to judgment and appeal, there is considerable joy that the suffering inflicted on the six men appears now to be near its end.

The first reaction to yesterday's decision by the Director of Public Prosecutions in London not to rely on police evidence against them must be relief that the victims are virtually certain to be given back their liberty. That an injustice had possibly been done was clear to a handful of good and disinterested people at an early stage in the campaign for release. Their scepticism focused on the forensic evidence and then on police methods used to link the men with the crime. Both have now been officially disowned and the resulting convictions declared "unsafe and unsatisfactory."

The legal process has been found to be grievously deficient because of the tortuous manner in which the case has been resolved. It is relevant but salutary to remember that the particular horror of the pub bombings in 1974 combined with the corruption of a group of investigating policemen to produce what amounted to an arbitrary choice of perpetrators and the extraction of confessions. The process was quite possibly made still worse by racial overtones.

Lord Denning, the former Master of the Rolls, was honest if disingenuous when he described the "appalling vistas" such as admission would open up for British justice. Still more appalling, he forgot to say, would be the outlook if it could be shown that the evidence against the six men did not stand up. That, more than 10 years on, is what has finally been conceded.

The case is not unique. It, and the Maguire and Guildford cases, put the British system of justice on trial almost simultaneously, and raised profound questions about its ad-

ministration which, as Mr. Chris Mullin, one of the most tireless campaigners for the Birmingham prisoners, pointed out yesterday, must now become the focus of attention. This is very far from saying that every Irish man or woman arrested, investigated and convicted for crimes of violence has also been victimised. But it should not be possible to have doubts.

In rejoicing over the imminent release of the six men, let it not be forgotten that 21 innocent people died in the pub bombings in 1974, and that the perpetrators are still, presumably, at large. They share the guilt for the injustice inflicted on the men who were convicted for their crime.

In a wider sense, every bombing for which the IRA is responsible—including yesterday's railway line bombing and the attacks on the London stations and on Downing Street within the last few weeks—adds to the climate of hostility and distrust. The Taoiseach yesterday said that the release of the Birmingham prisoners would remove one "area of disagreement" between the Irish and British Governments. As long as the IRA continues its senseless and bloody actions, such areas are bound to recur.●

CORRECTION REGARDING SCOPE OF SOLDIERS' AND SAILORS' CIVIL RELIEF ACT PROTECTIONS AGAINST EVICTIONS FROM RENTAL HOUSING

● Mr. DECONCINI. Mr. President, last Thursday, February 21, during the Senate's consideration of S. 330, the proposed Soldiers' and Sailors' Civil Relief Act Amendments of 1991, a technical mistake was made in explaining the scope of the Soldiers' and Sailors' Civil Relief Act provision that affords service members' families certain protections with respect to eviction from rental housing. The specific nature of the error and the correct information are spelled out in a February 25 memorandum to me from the chief counsel of the Committee on Veterans' Affairs.

Mr. President, in order to correct the record, I ask that that memorandum be printed in the RECORD at this point.

The memorandum follows:

To: Honorable Dennis DeConcini.
From: Edward P. Scott, Chief Counsel/Staff
Director Committee on Veterans' Affairs.
Date: February 25, 1991.

Subject: Applicability of Soldiers' and Sailors' Civil Relief Act to Residential Leases.

The purpose of this memorandum is to correct certain mistaken information that I gave you, during the Senate's consideration of S. 330, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991, and that you then stated on the record. The erroneous information, which appears on pages S2140-41, was that the Soldiers' and Sailors' Civil Relief Act's (SSCRA) (50 U.S.C. App. 510 et seq.) limited protections against eviction from a leased residence in which the servicemember's family is living do not apply if the servicemember entered into the lease after entering on active duty. Under section 300, eviction of a servicemember's dependents from certain rental housing is permitted only by leave of a court and the court is authorized to stay an eviction for up to 3 months.

Although other SSCRA provisions relating to contracts are limited to contracts made before the servicemember enters active duty, there is no such restriction on the scope of section 300 of the SSCRA.

Among SSCRA contract provisions that are limited to contracts executed before the servicemember entered active duty are (a) the provision (in section 304) that grants the servicemember the right to terminate a lease, and (b) the provision (in section 206) generally limiting to 6 percent the interest rate on servicemembers' financial obligations.

As I have indicated, that limitation does not apply to the prohibition against evictions of servicemembers' families from rental housing without court approval. However, the SSCRA does not authorize courts to delay evictions if the "ability of the tenant to pay the agreed rent is not materially affected by reason of" the servicemember's active-duty service. Obviously, when a servicemember executes a residential lease after having entered active duty, it will generally be difficult for him or her successfully to assert thereafter that military service is interfering with his or her ability to keep up the payments. Thus, the applicability of section 300 applying to such leases would not ordinarily seem to have a substantial effect on evictions other than to require leave of court.

I deeply regret that the effect that this erroneous advice had on the Senate's consideration of S. 330. As indicated above, however, to a great extent, the error was of a more theoretical than practical nature.●

IN SUPPORT OF SENATE JOINT RESOLUTION 75, MAINTAINING ECONOMIC SANCTIONS AGAINST IRAQ

● Mr. DODD. Mr. President, I rise in support of Senate Joint Resolution 75, a resolution that calls for continuing economic sanctions against Iraq until all prisoners of war have been released and all those missing in action have been accounted for. I want to commend my colleague from Colorado, Senator BROWN, for introducing this resolution.

Mr. President, Saddam Hussein's regime has committed a number of atrocities since the invasion of August 2, but two in particular stand out. One was, of course, the brutal rape and pillaging of a small and defenseless Kuwait. The second was the mean-spirited, and unlawful, mistreatment of captured allied prisoners of war.

Allied ground forces in the Persian Gulf are now in the final phase of an operation to reverse the first of these atrocities. But Mr. President, when the allied forces have completed their military mission and restored the rightful Government of Kuwait, then we must turn immediately to the second problem—that of prisoners of war and missing in action.

Mr. President, I believe that economic sanctions can play an important role in solving that problem. Before Operation Desert Storm began, economic sanctions had taken a great toll on the economy of Iraq. Over 90 percent of Iraq's trade had been shut off com-

pletely, while Iraq's gross national product was estimated to drop by nearly 50 percent. I would imagine that in a postwar Iraq, the impact of economic sanctions would be even greater. We must continue to impose these sanctions until all prisoners of war are released and all those missing in actions are satisfactorily accounted for.

Mr. President, the U.N. resolutions call not only for a reversal of the invasion of Kuwait, but for Iraq's compliance with the Geneva Convention regarding the treatment of prisoners of war. Adoption of this resolution will ensure that we prosecute that claim as vigorously and successfully as we are prosecuting Operation Desert Storm today.●

PAYROLL TAX CUTS

● Mr. KASTEN. Mr. President, I rise today to respond to Representative BILL GRADISON's February 7, 1991 "Dear Colleague" letter opposing a reduction in the payroll tax.

Several Republicans including myself, ORRIN HATCH, STEVE SYMMS, and JESSE HELMS have cosponsored DANIEL P. MOYNIHAN's bill to cut the payroll tax for workers and businesses. We believe this action would jump start the economy and more importantly, strengthen the financial integrity of the Social Security System. Specifically, it would create jobs and end the practice of using payroll tax surpluses to finance deficit spending on non-Social Security programs.

By increasing take-home pay and reducing labor costs, this legislation will stimulate long-term economic growth. In 1990, the Institute for Policy Innovation released a study by former Treasury Department economists Gary and Aldonna Robbins which estimated that a 2.2 percentage point reduction in the payroll tax would increase GNP by \$346 billion and create 930,000 new jobs by the year 2000.

Representative GRADISON argues that the recession is essentially over and any stimulus from a payroll tax cut will come too late. It is not at all clear that the recession is over, but more important, the economic goal of a payroll tax cut is to help sustain a healthy level of economic growth throughout the 1990's not merely to pull the economy out of recession.

It is argued that a payroll tax cut is likely to overstimulate the economy and lead to higher inflation. This is the same argument used by critics of the Kemp-Roth tax cuts in the early 1980's. I reject the argument that vigorous economic growth must be accompanied by high inflation. The evidence does not support this claim. While the economy boomed in the 1980's, inflation plummeted to single-digit rates. From 1984 through 1988 when real economic growth averaged in excess of 4 percent a year, the consumer price index aver-

aged only 3.5 percent. In fact, the inflation rate declined to 1.1 percent in 1986.

It is also argued that a payroll tax cut will increase the deficit and thereby lead to higher interest rates. Again, the evidence does not support this claim. There has been no correlation throughout the 1980's between deficits and the level of interest rates. In fact, in the majority of years when the deficit as a percentage of GNP went up, the 3-month Treasury bill interest rate went down.

Furthermore, even if the Social Security System is returned to pay-as-you-go financing, OMB estimates that the Federal deficit will be only 1.3 percent of GNP by 1996, the lowest level since 1974.

Perhaps most important of all, the real choice is not between lower taxes and higher deficits. Now that the Social Security trust fund is "off-budget," there will be enormous pressure to spend the surplus funds. Therefore the real choice, is whether to return the money to the workers who earned it or to allow special interests to spend it.

Finally, it is argued that a payroll tax cut means either significant future tax increases or Social Security benefit cuts. The proposal that Senator MOYNIHAN and I have made will not reduce benefits now or in the future. Under our plan, payroll tax rates would be adjusted at a level that is necessary to finance current benefits and maintain an adequate reserve. In fact, the reserve ratio would grow to 131 percent by 1996, well over a year's worth of benefits under our plan.

Under S. 11 future Social Security benefits would be even more secure than they are under current law. Returning Social Security to pay-as-you-go financing would keep the program solvent for the next 75 years, 20 years longer than under the present arrangement.

The argument that taxes will have to increase in the future assumes that this would not be the case under current law. This is highly unlikely since current payroll tax surpluses are immediately borrowed and spent, merely leaving IOU's in the trust fund. When these IOU's come due taxes will have to be raised. This is why it is imperative that we end the trust fund charade now and return Social Security to pay-as-you-go financing. Only then can we generate the vigorous economic growth that will be necessary to ensure that the economy can adequately finance benefits in the 21st century.

For these reasons, I urge my Senate colleagues to join me in supporting a payroll tax cut for 132 million taxpayers and the businesses that employ them.●

RESOLUTION OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

● Mr. WARNER. Mr. President, the crisis in the Persian Gulf has rekindled in many Americans the patriotism that was sparked by the Founding Fathers of our great Nation when they drafted the outline of our democracy more than 200 years ago. At that time, young soldiers fought bravely for the vision of freedom that would become their own country. For many months, now, we have all witnessed once again the unswerving commitment of the American service member—and the American people as a whole—in the fight for freedom and democracy.

It is fitting that the National Society of the Daughters of the American Revolution should join the ranks of support as one of the strongest and clearest voices. This organization has constantly reminded us of the indomitable American spirit that was born with the birth of this Nation and which thrives today.

The resolution passed by the Daughters of the American Revolution is an expression of unequivocal support for the President, the Congress, and most especially, each and every man and woman serving in the U.S. Armed Forces in the Persian Gulf region and their families. I respectfully request that the resolution be added to the permanent RECORD of the proceedings of the U.S. Congress.

The resolution follows:

RESOLUTION

Whereas the President of the United States, George Bush, worked long and diligently on a peaceful solution to the withdrawal of the Iraqi armed forces from Kuwait; and

Whereas the United Nations passed a Resolution calling for this action; and

Whereas the Congress of the United States voted to give the President the authority to use military force, if necessary, to achieve this objective; therefore be it

Resolved, That the National Board of Management of the National Society of the Daughters of the American Revolution strongly supports the President's decision to commence "Operation Desert Storm" in cooperation with other United Nations countries to remove Saddam Hussein's Iraqi forces from Kuwait and

Resolved, That every member of the National Society of the Daughters of the American Revolution be encouraged to support our military personnel and give comfort to their families in every possible way.

Unanimously adopted on this First day of February, 1991.●

FEES PAID BY SKI AREAS ARE A GOOD DEAL FOR THE TAXPAYER

● Mr. WIRTH. Mr. President, I would like to take a few moments to address some criticism the ski industry has lately received. An article appeared recently in the New York Times entitled "Congress Weighs Fee for Business on U.S. Land" which covered allegations

that the fees paid by ski areas in our national forests do not return fair value to the public, and lumps ski areas in the same category as concessions at our national parks. I could not disagree more.

I do agree with the concerns raised by the Secretary of the Interior and many others that the low payments of some park concessionaires do not represent a fair share for the United States. On the other hand, the U.S. Forest Service does in fact collect a fair fee from the ski areas in our national forests.

It is important to note the differences between these two cases. National park concessionaires profit from people who are attracted to them because of the national park. The United States has provided the attraction and the concessionaire profits from it.

Ski areas, on the other hand, create and build their own attraction where there was none, at their own financial risk. Good management is not enough to guarantee a profit for these areas—they also depend on good weather. They build and maintain their own infrastructure including roads, mass transit, recreational facilities, and even wastewater treatment plants. Park concessionaires receive many of these services directly from the National Park Service.

Despite the simple fact that a fee increase would translate into higher lift prices for the millions of Americans who enjoy skiing at these areas, some have pressed for higher fees for ski areas. This overlooks the fact that the present fees system has continually increased the total payments these areas pay the Federal Government. Over the past 5 years, their payments have doubled under the present fee system. And while the Department of the Interior has determined that the fees paid by park concessions are too low, the Forest Service supports the fees paid by the ski areas as fair.

Ski areas, in fact, represent perhaps the best return to the taxpayer of any Forest Service program. While Forest Service timber sales generate local employment and economic activity, in many of our national forests they lose millions of dollars a year. Many timber sales cost more to prepare than they get back in payment.

Ski areas, on the other hand, not only generate huge amounts of local employment and economic activity—each and every one of them makes money for the Treasury. The Forest Service receives over \$18 million a year from the ski areas located on the national forest.

In summary Mr. President, it is my experience that the 24 ski areas on our national forests in Colorado represent a good deal for the taxpayer, for the economies of their communities, and for the millions of Americans who enjoy skiing on our public lands.●

BODACIOUS ACTION

● Mr. McCONNELL. Mr. President, as we enter the 3d day of the ground war phase of Operation Desert Storm, I would like to take a moment to share with my colleagues an article that appeared in yesterday's Washington Post.

Entitled, "In 'Bodacious Action,' 300 Copters Lift 2,000 Troops 50 Miles Inside Iraq," the article describes the military accomplishments and prowess of the 101st Airborne Division—the Screamin' Eagles—in the initial stages of the ground war. After reading the article, I am certain my colleagues will agree with Maj. Dan Grigson's comment, "This is a bold, bodacious action."

As we continue to follow developments on the fields of battle, let us keep the safety and well being of our soldiers in our thoughts and prayers.

The article follows:

IN "BODACIOUS ACTION," 300 COPTERS LIFT
2,000 TROOPS 50 MILES INSIDE IRAQ

(By John Pomfret)

WITH 101ST AIRBORNE DIVISION, SOUTHERN IRAQ, February 24.—More than 300 attack helicopters, some piloted by women, blasted deep into Iraq today in an assault aimed at cutting Iraqi supply lines.

The Screaming Eagles of the 101st Airborne Division airlifted more than 2,000 men, 50 jeep-like Humvees and howitzers and tons of fuel and ammunition more than 50 miles into Iraq.

Land vehicles took another 2,000 men from the 101st over the border into enemy territory along what the troops called a "highway to hell."

"This is a bold, bodacious action," said Maj. Dan Grigson.

The airborne operation was part of a push to establish a staging area in Iraqi territory west of Kuwait, from which U.S. armored forces could move north to envelop Kuwait or pin down or engage the Republican Guard, the Iraqi army's elite, in southern Iraq.

There were no initial reports of American casualties and the 101st encountered only minimal Iraqi fire, officers said.

Col. Tom Hill, a brigade leader, said at least 15 Iraqi soldiers were captured and officers said hundreds more were expected. Hill said the attack was proceeding better than anticipated. By late afternoon, the troops had carved out a 60-square-mile area in Iraq to serve as a giant fuel and ammunition dump for later assaults.

Throughout the day, hundreds of heavy-duty Chinook helicopters could be seen carrying huge rubber bladders of fuel to the staging area. None of the helicopters was flying more than 100 feet above the ground.

The start of the invasion came about an hour after dawn from 13 strike zones in the forbidding desert of northern Saudi Arabia. Dust from the Chinook, Blackhawk, Huey, Cobra and Apache helicopters turned the sky purple. One by one, the black "birds" arranged in six air corridors roared into Iraq.

"We'd walk through the gates of hell now that we know we are going home," said Sgt. Mike Southall, 34, of Galveston, Tex.

The assault was delayed about an hour after an OH-58 Kiowa helicopter crashed in the Iraqi desert in a bank of fog. The helicopter was destroyed, but the crew was rescued.

Apache assault helicopters led the attack. The Apaches flew in low, less than 50 feet, carrying Hellfire antitank missiles.

Officers said the invasion paralleled the jump by the 101st into Normandy in June 1944. The flying time of less than one hour was about the same, the division's contribution of men was similar, and Blackhawk helicopters—the main troop carrier—hold about as many men as did the towed gliders of World War II. The women pilots are new.

Under military regulations, women are excluded from jobs directly related to combat. As the Army defines it, that means seeking out and engaging the enemy. Two women came under fire while ferrying troops into combat during the December 1989 invasion of Panama.

Today's attack marked the first time the army has put into practice its new doctrine that focuses on destroying enemy troops rather than taking or holding territory.

"Don't worry about Kuwait, it's piece of dirt," said Maj. Grigson. "We're going after the Iraqi army. Once we destroy [it], then Kuwait will be free."

Maj. Gen. J.H. Binford Peay III said the attack was the largest helicopter assault. As expected, he said, Iraqi troops put up little opposition to the landing. "But once we cut deeper, then we expect him to fight back," he said.

(Pomfret is a pool reporter whose account was subject to review by military censors.)●

LESLIE H. OLSON, BANKER OF THE YEAR

● Mr. DASCHLE. Mr. President, in this era of the thrift crisis and increasing failures in the banking industry, I am exceedingly proud to direct my colleagues' attention to Leslie H. Olson, president of Commercial Trust and Savings Bank in Mitchell, SD. Les was recently honored as "Banker of the Year" by Northwestern Financial Review. And for good reason.

Five years ago, Les, who started his career in banking as a messenger earning \$64 a month, took control of Commercial Trust and Savings Bank. He faced a return on assets and a return on equity well within the negative due primarily to the agricultural crisis. Within 4 years, Les had turned the bank around into a healthy, profit-making institution.

This alone would be enough to make Les a model banker, but there is more. Les represents a quality that seems increasingly rare these days—a sense of duty to do more than his share, both as a banker and as a member of his community.

In addition to his extensive involvement in training individuals in banking and his leadership roles in numerous banking organizations, all of which have earned him enormous respect within the industry, Les has taken an active role in a variety of ways to promote economic and cultural development in his community. Most of this work is strictly on a volunteer basis.

I have asked myself what we can learn from Les, and I think I know what it is. Everything that Les does bears the stamp of someone who cares

about people. Whether it's setting up a suggestion box to receive comments from his employees or helping found a community theater group, that's the thread that seems to run through his achievements. I'll wager that, if all bankers were like Les, we wouldn't be facing a crisis in banking today.

I congratulate Les on being selected "Banker of the Year" and thank him for providing a role model to which all of us can aspire.♦

NATIONAL ARBOR DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 64, designating National Arbor Day, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee is discharged.

The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 64) authorizing the President to proclaim the last Friday of April as National Arbor Day.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution.

AMENDMENT NO. 12

Mr. FORD. Mr. President, on behalf of Senator BRADLEY, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. BRADLEY, proposes an amendment numbered 12.

On page 1, line 4, insert ", 1991," after "April".

The PRESIDING OFFICER (Mr. CONRAD). If there be no further debate, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 12) was agreed to.

The joint resolution (S.J. Res. 64), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 64

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1991, as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A joint resolution to authorize the President to proclaim the last Friday of April, 1991, as "National Arbor Day."

THE DEATH OF THE HONORABLE JOHN SHERMAN COOPER

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 64, submitted earlier today by Senators FORD, MCCONNELL, MITCHELL, and DOLE, relative to the death of the Honorable John Sherman Cooper.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 64) relative to the death of the Honorable John Sherman Cooper, formerly a Senator from the State of Kentucky.

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John Sherman Cooper, formerly a Senator from the State of Kentucky.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FORD. Mr. President, on February 21, 1991, Kentucky lost one of its greatest sons in John Sherman Cooper. Rare, indeed, are the likes of this man. He sprang from the soil in Pulaski County and really never left it—traveling the world as he did.

John Sherman did not come up the easy way. He just made it seem easy. He progressed from politics in Kentucky to a world class statesman and a force of conscience in the U.S. Senate. His solid foundations were all Kentucky. Educated at Centre College, county judge, State legislator, and U.S. Senator worthy of the stature of Clay and Crittenden. He served as U.S. Ambassador to India and was our first Ambassador to East Germany in recognition of his diplomatic abilities. He never failed. This, in no small measure, because he was always friendly and courteous and understanding of the little man—even as he circulated in the highest realm.

John Sherman Cooper was a dogged man. He won more elections in Kentucky per years served than probably any other person. He won several elections for unexpired Senate terms and later for full terms.

He will be sorely missed by all Kentuckians but all Kentuckians are better for his having come their way.

Mr. President, I ask that my junior colleague from Kentucky be recognized at this point.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I come to this Chamber today to honor a man whose life and public career honored this institution: U.S. Senator John Sherman Cooper.

Senator Cooper died peacefully in his sleep last Thursday, in an apartment near his old stately home in Georgetown. At one time, that home was the social capital of Washington, frequented by Katharine Graham and John F. Kennedy, when invitations to the Coopers were more prized than state dinners at the White House.

Senator Cooper had been in retirement for 19 years, from a Senate career that spanned the Korean war, the cold war, and the Vietnam war. He was a delegate to the United Nations, and served as Ambassador to India and East Germany. He advised Secretary of State Dean Acheson and helped establish the North Atlantic Treaty Organization.

Yet despite these far-flung accomplishments, Senator Cooper never lost the gentle compassion or the hard principles of his Kentucky upbringing.

In my own case, Mr. President, I feel particularly blessed by Senator Cooper's character; for it is fair to say that I might not be a Member of this body if it were not for this special man.

I was a college student when I wrote to Senator Cooper back in 1964, asking for an internship in his Washington office. Frankly, I did not really expect a reply; few Senators offered internships in those days, and I had no connections or famous family name to get me in the door.

But Senator Cooper was not the sort of man who was swayed by connections or family names. Though he grew up in a prominent family in Somerset, KY, Senator Cooper always looked beyond the credentials and into the character of a person.

Senator Cooper was impressed by my enthusiasm for politics, so he gave me the internship and took me under his wing that summer. That was the summer of 1964. I got to see first hand the qualities that made Senator Cooper so special and admired.

While I was working for him, Mr. President, the Senate was debating the landmark civil rights bill, the Public Accommodations Act. Lots of letters were coming in against the bill, but Senator Cooper decided to take a leadership role in favor of it. When I asked him why he was taking such an obvious political risk, he replied, "There are times when you are called upon to lead; and you hope that people will come to accept the wisdom of your judgment."

Unlike a lot of people in the public arena, Senator Cooper was not afraid to take the risks of leadership; nor was

he afraid to pay the price. Many forget that Senator Cooper was defeated three times for statewide office in Kentucky. When he lost his Senate seat in 1954 to Alben Barkley, people thought it was the end of his political career.

In fact, Mr. President, it was only the beginning of Senator Cooper's most influential period of public service. He expanded his knowledge of international diplomacy, serving as Ambassador to India; then he returned in triumph to the Senate 2 years later.

From that moment on, Senator Cooper's political base in Kentucky became impregnable, carrying him to record victories in two more contested campaigns. All over Kentucky, a State that is predominately Democratic, people called Republican John Sherman Cooper their friend. And even though Senator Cooper knew his way around the Halls of Congress, the Georgetown salons, and the diplomatic corps, he never stopped caring about projects on the Big Sandy and public libraries in little towns.

That was his compassionate side. But in his crowning last 16 years in the Senate, it was his hard principled side that earned his colleagues' respect and his place in history.

In his own unassuming but persistent manner, Senator Cooper stood up to three successive U.S. Presidents in holding the line on the war in Vietnam.

Senator Cooper's position on that issue was not strident, or dogmatic, or radical. It was based on his own firm convictions about the wisdom of our involvement in that conflict. And even though many disagreed with Cooper's views, no one doubted the sincerity of his purpose or the integrity of his principles.

That's why Senator Cooper was so deeply admired by his colleagues and constituents, regardless of party or political persuasion. When his opponent in the 1966 reelection campaign tried to brand Senator Cooper as a "dove," he still carried 110 of Kentucky's 120 counties—despite the fact that many Kentuckians disagreed with Cooper on the Vietnam war.

As the Senator said, "There are times when you are called upon to lead; and you hope that people will come to accept the wisdom of your judgment."

Senator Cooper was not opposed to war in every circumstance, however. He fought alongside Gen. George S. Patton in Europe and earned the Bronze Star. And even though he was against the Vietnam war, he voted consistently to provide adequate supplies and support to the troops on the front line.

In fact, I have no doubt about what Senator Cooper would say about the military action we are pursuing against Saddam Hussein. Despite his gentle demeanor and his disdain for violence, Senator Cooper also knew a ty-

rant when he saw one—and Senator Cooper hated tyranny.

A gentle man, a principled fighter, a reluctant orator who spoke in "iron mumbles," a man whose world bridged the far East, Eastern Europe and eastern Kentucky—this is the John Sherman Cooper I knew—many of us knew—and all of us will miss.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 64) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution on Senator John Sherman Cooper was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN RIGHTS VIOLATIONS IN CUBA

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 65, a resolution condemning Cuba's human rights violations and commending the U.N. Human Rights Commission for its attention to the human rights situation in Cuba, submitted earlier today by Senators GRAHAM, MACK, and others; that the resolution be considered agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution and its preamble are as follows:

S. RES. 65

Whereas according to the Department of State Country Reports on Human Rights Practices for 1990, the Government of Cuba "sharply restricts virtually all basic human rights, including freedoms of expression, association, assembly, and movement, as well as the right to privacy, the right of citizens to change their own government, and workers' rights";

Whereas the Government of Cuba imprisons persons solely for the nonviolent expression of their political views, including the world's longest held political prisoner, Mario Chanes de Armas, who has been imprisoned for 30 years, and Ernesto Diaz, who has served 21 years in prison;

Whereas in March 1988, the United Nations Human Rights Commission undertook a review of Cuban human rights practices, and a working group of the Commission visited Cuba in September 1988;

Whereas in March 1988, the United Nations Human Rights Commission approved a resolution citing its continued concerns regarding the human rights situation in Cuba;

Whereas since the September 1988 visit of the United Nations Human Rights Commission working group, the Government of Cuba has arrested, harassed, and intimidated scores of human rights monitors and independent activists, many of whom cooperated with the United Nations Human Rights Commission investigation;

Whereas at least 31 human rights monitors and independent activists are currently serv-

ing prison sentences, another two are under house arrest, and many others are awaiting trial; and

Whereas the International Committee of the Red Cross was denied access to Cuban prisons and inmates in 1990: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of Cuba for its gross violations of internationally recognized human rights of the Cuban people, including its systematic harassment and intimidation of Cuban human rights monitors and independent activists;

(2) calls upon the Government of Cuba—
(A) to release from prison and house arrest all human rights monitors, independent activists, and other political prisoners,

(B) to respect internationally recognized human rights, and

(C) to allow the International Committee of the Red Cross access to Cuban prisons;

(3) commends the United Nations Human Rights Commission for its attention to the human rights situation in Cuba;

(4) urges all member States of the United Nations Human Rights Commission to support the continued investigation of Cuban human rights violations by the appointment of special rapporteur or working group on Cuba; and

(5) commends the United States delegation to the United Nations Human Rights Commission for its diligence in pursuing this important issue.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, February 27; that following the prayer, the Journal of the proceedings be approved to date; that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent, in accordance with the provisions of Senate Resolution 64, as a further mark of respect to the memory of the deceased Honorable John Sherman Cooper, late a Senator from the State of Kentucky, that the Senate now stand in recess until 9:30 a.m., Wednesday, February 27.

There being no objection, the Senate, at 5:45 p.m., recessed until Wednesday, February 27, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 26, 1991:

FEDERAL TRADE COMMISSION

DENNIS A. YAO, OF PENNSYLVANIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM

SEPTEMBER 26, 1989, VICE ANDREW JOHN STRENIO, JR., TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

JOHN A. GANNON, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1992. (REAPPOINTMENT)

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH & IMPROVEMENT

PEDRO ROIG, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1992, VICE JAMES L. USRY, TERM EXPIRED.

IN THE COAST GUARD

PURSUANT TO THE PROVISIONS OF 14 USC 729, THE FOLLOWING NAMED COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF CAPTAIN:

HOEKSTRA, RALPH A.	MADDOCK, THOMAS M.
CHARLES, STUART D.	CLARK, RICHARD R.
BEASLEY, JON S.	TINGQUIST, ALAN K.
GRIFFITHS, BRUCE E.	MOORE, CARLTON D.
TEICHERT, ERNEST J.	SPENCER, JOHN S.
JONES, MICHAEL H.	LANGJAHN, JOSEPH H.
WILEY, NEIL W.	DOOLAN, MARTIN P.
BELL, ROBERT M.	GAUGHAN, JOHN A.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. PAUL D. BUTCHER, U.S. NAVY xxx-xx-x.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. ANTHONY A. LESS, U.S. NAVY xxx-xx-x.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. CHRIS A. ANASTASSATOS, JR. xxx-xx-x.
MAJ. ROWAN W. BRONSON xxx-xx-x.
MAJ. LAWRENCE J. CERFOLINI xxx-xx-x.
MAJ. JIMMIE W. CRIDER xxx-xx-x.
MAJ. LLOYD T. CRUMRINE xxx-xx-x.
MAJ. ROLAND S. DODSON xxx-xx-x.
MAJ. DAVID J. GREGORY xxx-xx-x.
MAJ. ROBERT V. HUNT xxx-xx-x.
MAJ. CHARLES A. JACKSON xxx-xx-x.
MAJ. MICHAEL A. LARSON xxx-xx-x.
MAJ. TIMOTHY P. LOCKETT xxx-xx-x.
MAJ. ROBERT E. MATTHEWS xxx-xx-x.
MAJ. STEVEN A. SKOWRONSKI xxx-xx-x.
MAJ. JAMES R. TURNER II xxx-xx-x.
MAJ. ROY T. VANHEE, JR. xxx-xx-x.
MAJ. THOMAS M. VIERZBA xxx-xx-x.
MAJ. JOYCE L. WILKERSON xxx-xx-x.

JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. DAVID J. KUCKELMAN xxx-xx-x.

CHAPLAIN CORPS

MAJ. JOHN D. VAIL xxx-xx-x.

MEDICAL SERVICE CORPS

MAJ. DAVID G. GREGORY xxx-xx-x.

MEDICAL CORPS

MAJ. MARK W. PARKER xxx-xx-x.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DANIEL P. ANDERSON xxx-xx-x.
MAJ. PATRICK A. AYRES xxx-xx-x.
MAJ. DONALD S. BALL xxx-xx-x.
MAJ. JERRY B. BALTZELL xxx-xx-x.
MAJ. JAMES R. BEEBE xxx-xx-x.

MAJ. VERNON J. BROSKY xxx-xx-x.
MAJ. MICHAEL D. CASSIDY xxx-xx-x.
MAJ. JAMES E. CHAGNON xxx-xx-x.
MAJ. EDELL L. GEARY xxx-xx-x.
MAJ. GARY L. LEVERETT xxx-xx-x.
MAJ. ALEXANDER P. MADAN xxx-xx-x.
MAJ. STEVEN K. MALLERY xxx-xx-x.
MAJ. THOMAS J. MARKS, JR. xxx-xx-x.
MAJ. RICHARD L. MATTHEWS xxx-xx-x.
MAJ. RONALD O. MONTGOMERY xxx-xx-x.
MAJ. DAVID B. MOREMEN xxx-xx-x.
MAJ. JAMES G. POHOSKI xxx-xx-x.
MAJ. MERRELL C. SCHRIEVER xxx-xx-x.
MAJ. ALLAN C. STILES xxx-xx-x.
MAJ. HARVELL J. WALKER, JR. xxx-xx-x.
MAJ. ROBERT H. WILLIAMS, III xxx-xx-x.
MAJ. WILLARD K. WINDSOR xxx-xx-x.

JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. MICHAEL J. VANLEUVEN xxx-xx-x.

CHAPLAIN CORPS

MAJ. ANTHONY J. MASKELL xxx-xx-x.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594 AND 3353:

MEDICAL CORPS

To be colonel

INTILE, JOSEPH A. JR. xxx-xx-x.
MONTES, ALBERTO I. xxx-xx-x.

MEDICAL CORPS

To be lieutenant colonel

ABBOTT, JOSEPH A. xxx-xx-x.
BASA, ARTURO S. xxx-xx-x.
BRAMMER, SHELBY B. xxx-xx-x.
CABRERA, DONATO M. JR. xxx-xx-x.
CROWLEY, DENNIS M. xxx-xx-x.
DEL TORO-OTERO, ANTONIO H. xxx-xx-x.
DORN, BARRY C. xxx-xx-x.
ESPINOSA, GUSTAVO A. xxx-xx-x.
FAWCETT, WILLIAM A. III xxx-xx-x.
FINE, JOSEPH xxx-xx-x.
FISHER, EDWARD G. xxx-xx-x.
GOODSON, JONATHAN N. xxx-xx-x.
HAYDEN, WILLIAM G. xxx-xx-x.
KRITCHMAN, MARILYN M. xxx-xx-x.
LAGMAN-RAMONES, CORAZON xxx-xx-x.
MC DANNALD, EUGENE R., JR. xxx-xx-x.
MONTESCLAROS, ADOLBEN Y. xxx-xx-x.
OTEYZA, BEN E. xxx-xx-x.
PATRICK, DONALD L. xxx-xx-x.
PEREZ, MANUEL H. xxx-xx-x.
RAO, PEJEWAR M. xxx-xx-x.
ROWLAND, ROBERT C. xxx-xx-x.
RUE, DAVID SEUNG-III xxx-xx-x.
RUSSO, VINCENT J. xxx-xx-x.
SAUER, PAUL E. xxx-xx-x.
VENUGOPAL, K. xxx-xx-x.
WHITE, NEWTON K. xxx-xx-x.
YOHN, KENNETH C. xxx-xx-x.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385:

ARMY PROMOTION LIST

To be colonel

CREWS, BARNEY E. JR. xxx-xx-x.
FAIN, CHARLES B. xxx-xx-x.
FRASER, ERNEST C. JR. xxx-xx-x.
KAUFFMAN, LEONARD A. xxx-xx-x.
RODRIGUEZ-RUIZ, RUBEN xxx-xx-x.
SHEFFIELD, SIMON J. JR. xxx-xx-x.
SISNEROS, GENT xxx-xx-x.
WILLIS, GARRY T. xxx-xx-x.

MEDICAL CORPS

To be colonel

AZAR, PAUL J. JR. xxx-xx-x.
MARLER, ROBERT H. xxx-xx-x.

ARMY PROMOTION LIST

To be lieutenant colonel

BREWSTER, DAVID C. xxx-xx-x.
COX, NORMAN J. JR. xxx-xx-x.
EDDLEMAN, TERRY L. xxx-xx-x.
FOWLER, CHARLES M. xxx-xx-x.
GOLDSMITH, EDWARD A. xxx-xx-x.
HAMMOND, GLENN C. III xxx-xx-x.
HARBAUGH, MARK L. xxx-xx-x.
HEALY, RICHARD D. xxx-xx-x.
HEIMES, GARY R. xxx-xx-x.
HENRY, WALTER E. xxx-xx-x.
HERNANDEZ, ADRIA A. xxx-xx-x.
KARSTEN, RONALD F. xxx-xx-x.
LECLAIRE, MITCHELL N. xxx-xx-x.
MARTIN, PAUL C. xxx-xx-x.
MEADOWS, THOMAS E. xxx-xx-x.
MORRIS, PHILIP J. xxx-xx-x.

NAJACHT, CHARLES W. xxx-xx-x.
O'ROUKE, ALAN D. xxx-xx-x.
RUSSELL, LARRY L. xxx-xx-x.
SIDWELL, KING E. xxx-xx-x.
SMITH, DENNIS E. xxx-xx-x.
SPAIN, EDWIN E. II xxx-xx-x.
SUMPTER, WALTER J. xxx-xx-x.
SYLVESTER, WILLIAM G. xxx-xx-x.
TALLONE, VINCENT A. xxx-xx-x.
THOMAS, FENTON xxx-xx-x.
TILLMAN, RUEDIGER xxx-xx-x.
TRIPLETT, MICHAEL W. xxx-xx-x.
VOGEL, PETER C. xxx-xx-x.
WADLEY, RAYMOND D. xxx-xx-x.
WILCOMB, BRUCE E. xxx-xx-x.
WRIGHT, JESSICA L. xxx-xx-x.
WYMAN, ARTHUR H. xxx-xx-x.

MEDICAL CORPS

To be lieutenant colonel

DAVIS, WILLIAM E. xxx-xx-x.
DICKEN, ROBERT A. xxx-xx-x.

MEDICAL SERVICE CORPS

To be lieutenant colonel

SNOW, MICHAEL R. xxx-xx-x.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO RECOMMENDED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

RICHARD A. ELLIOTT xxx-xx-x.
RICHARD D. DUBOIS xxx-xx-x.

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

*PATRICIA A. KRAUSE xxx-xx-x.

ARMY NURSE CORPS

To be lieutenant colonel

VICKI A. WOLDT xxx-xx-x.

ARMY

To be major

JAMES C. CALLENDE xxx-xx-x.
DAVID C. GOETSCH xxx-xx-x.
*RICHARD G. RICKLEF xxx-xx-x.
*DONALD T. ZAJACKOWSKI xxx-xx-x.

IN THE NAVY

DAVID D. HINSPATER, NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

AMBROSE, G.T.	KALLEY, T.E.
ANDERSON, ERIC G.	MCALOON, K.O.
BARNES, J.W.	MORAN, J.T.
BEARD, WILLIAM E.	REESE, ERIC G.
BECERRA, RAUL	REISWIG, C.C.
DAILL, K.D.	ROSARIO, R.A.
DURKEE, D.F.	SANDERLIN, G.J.
GRANGER, M.W.	WILEY, RICHARD A.
HIGINBOTHAM, J.B.	

DANNY L. NEWMAN, CHIEF WARRANT OFFICER, W-4, U.S. NAVY, RETIRED, TO BE REAPPOINTED A TEMPORARY CHIEF WARRANT OFFICER, W-4, IN THE U.S. NAVY FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211.

ERIC T. LINCKE, FORMER U.S. NAVY OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

GARY E. SCHRAUT, U.S. NAVY OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

ANTHONY A. VEIGA, U.S. NAVY OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

IN THE NAVY

THE FOLLOWING NAMED NAVAL ACADEMY MIDSHIPMEN TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY MIDSHIPMEN

To be ensign; permanent

ABBS ALAN WILLIAM
 ABRAMS WILLIAM
 STANLEY II
 ACOPA WAYNE ANTHONY
 ADAE NINA BEMAH
 ADAMS CHRISTOPHER
 JAMES
 ADAMS HENRY CLAY III
 ADAMS JAMES HENRY III
 ADAMS ROBERT IRL III
 ALBUJA NEIL ROY
 ALLEN DAVID SYLVAN
 ALM STEPHEN LESLIE
 ALVAREZ ROSELIO
 ENRIQUE
 AMSTUTZ MATTHEW
 WILLIAM
 ANDERSON BRENT KENNETH
 ANDERSON JEFFREY
 THOMAS
 ANDINA KARL ANDREW
 APPEZZATO DAVID JOHN
 ARMJO MOLLY BETH
 ARMSTRONG GIBSON CARL
 AUSTIN ERIC ERSKINE
 AYUBI JOHNPAL
 BACA JAMES BLAS
 BACHMAN LISA JENNIFER
 BAEZ JORGE ANTONIO
 BAEZ RAMON AUGUSTO III
 BAHIAU TODD ADOLPH
 BAICH JOSEPH RICHARD
 DAINE, JR.
 BAKER GARRY JAMES
 BAKER ROBERT HAROLD
 BALDINO SHANE MICHAEL
 BANKS BRAIN LOUIS
 BANTA KATHERINE LYNN
 BANTA STEPHEN EDWARD
 BARAGAR DOUGLAS
 WILLIAM
 BARATA CARLOS RAYMOND
 BARBER KENNETH SYDNEY
 BARCHI DANIEL JAMES
 BARNET ROBERT EVAN
 BARNETT CHRISTOPHER
 CHARLES
 BARRY ROBERT WILLIAM
 JR.
 BECKMAN JON FRITZ
 BELL JAMES DUDLEY JR.
 BENDER ERIK MICHAEL
 BENEVIDES EDUARDO
 REGO
 BENSON CRAIG ALLEN
 BERENBAUM DANIEL ALAN
 BERG HEDI KRISTEN
 BERGHULT DAVID CARL
 BERLIN RUSSELL JAMES
 BERMAN HARVEY ROSS
 BERNTSON ERIC ROBERT
 BERRA NICHOLAS CARTER
 BERRY PHILLIP ANDREW
 BIGGS KELLY WILLIAM
 BISHOP RONALD MICHAEL
 JR.
 BLACKWOOD DAVID BRYAN
 BLAKE JOHN EVANS
 BLANC DRU MICHAEL
 BLAZES DAVID LAURENCE
 BLENKHORN KEVIN PAUL
 BLOOMER JODI LYNN
 BOLLWERK WILLIAM
 NICHOLS
 BOLT JOHN ALEXANDER
 BOLT MICHAEL LEE
 BONAT CHRISTIAN MARCUS
 BORGSCULTE MICHAEL
 JOSEPH
 BOSCHERT JEFFREY LEE
 BOSS WILLIAM FREDERICK
 JR.
 BOSWORTH BRUCE
 WHITNEY
 BOUCK CORY ALLAN
 BOURNE BRETT ALVA
 BOWEN PAUL IVAN III
 BOWLING WILLIAM
 ANDREW
 BOWNS CHRISTOPHER
 DAVID
 BOYD MATTHEW SHAMUS
 BOYD MICHAEL BARTOW
 BOYD STEFEN FREDERICK
 BRADEN THOMAS ALFONSO

BRADFORD ALAN ROGER
 JR.
 BRADLEY FRANK
 MITCHELL
 BRAKORA MICHAEL JAMES
 BRAUN JAMES ANDREW
 BRAWLEY RICHARD
 DOUGLAS
 BRAY BOBBY JOE JR.
 BRAZELTON MARK DAVID
 BREED ALFRED
 WOOLSLEYER
 BRESKO CARL AARON
 BRIGGS CHRISTOPHER
 PATRICK GERAR
 BRITTON JOSEPH RONALD
 BRODBAR ADAM
 NATHANIEL
 BROOKS HILLARY
 ASHWORTH
 BROOKS TIMOTHY ALLEN
 BROOKSHIER ROBERT
 LESLIE III
 BROPHY RICHARD THOMAS
 JR.
 BROWN BRENT WILLIAM
 BROWN DONALD MATTHEW
 BROWN WILLIAM MELVIN
 III
 BRUCE ANTHONY MILOU
 BRUCHOK BART RUSSELL
 BRUGEMAN JOHN HENRY
 JR.
 BRULEY KENNETH
 COLEMAN
 BRUNNER MICHAEL OTTO
 BRZOSTOWSKI STEPHEN
 CHRISTOPHER
 BUNNAY SCOTT ALAN
 BUONERBA DAVID JR.
 BURCHER MARK ERIC
 BURKE JUDE THOMAS
 BURNEY WILLARD CHAD
 BUSCH MATTHEW SAMUEL
 CASAR ALBERT THOMAS
 CALAMAN GREGORY ALLEN
 CALLAHAN MICHAEL
 DENNIS
 CALLAHAN ROBERT JAMES
 CAMPBELL CARMEN
 YVONNE
 CAMPBELL WILLIAM LYNN
 JR.
 CANTRELL STEVE L.
 CAO HAI THANH
 CAPUANO MICHAEL
 PATRICK
 CARAZO MARIO DE LOS
 ANGELE
 CAREY MICHAEL JAMES
 CARLSON BRADLEY SCOTT
 CARLSON IVAN GARRICK
 CARLSON JAMES RICHARD
 II
 CARPENTER DOUGLAS
 WAYNE
 CARR DUANE JEFFREY
 CARR MAURICE HOWARD
 CARR TIMOTHY TODD
 CARSON SCOTT DOUGLAS
 CASE ANTHONY ARTHUR
 CASH ERIC CRAWFORD
 CASTANO JAMES CHOE
 CASULLI EDWARD THOMAS
 CAUSEY ANDREW LEWIS
 CAYLEY ROBERT BRYAN
 CAYWOOD THOMAS
 WESLEY JR.
 CHADWICK ROBERT BERRY
 II
 CHANDLER SCOTT ANDREW
 CHANDLER THOMAS
 ELLIOT
 CHATFIELD JEFFREY
 ALLEN
 CHEAIRS ROSS BRUCE III
 CHILSON JOHN ALLYN
 CHIPMAN DONALD
 CHARLES
 CHONG FRANK KONG III
 CHRISTEL DAVID LEO
 CHRISTENSON TIMOTHY
 MARTIN
 CHURCH KIMBERLY LYNNE

CICCONE JONATHAN
 CHRISTIAN
 CLEMENTE ZUBIN REGANIT
 CLEVENGER ALAN BRYANT
 CLUKEY ROBERT EDWARD
 III
 COLE JONATHAN DAVID
 COLEMAN RODNEY SCOTT
 COLLETTI JOHN EMANUEL
 COLLINS GREGORY
 RAYMOND
 COLLINS MICHAEL
 CHRISTOPHER
 COLOMBO MARK JAMES
 COLVINS ARAH ESTELLE
 CONOVER MICHAEL
 CHARLES
 COOK LARRY MITCHELL JR.
 COOLMAN RUSSELL JOHN
 COPP BRENNAN CHARLES
 CORCORAN SHAUNNA
 MAUREEN
 COTE CHRISTOPHER
 CONRAD
 COULSON ALLAN ANDREW
 COURSEY GUY RAYMOND
 COUTURE TIMOTHY LEE
 COVINGTON ERIC WILLIAM
 CRANE BRIAN EUGENE
 CREED SCOTT SHELDON
 CRONE TIMOTHY ALAN
 CROSSLEY GARETH
 LANSING SAWTE
 CROWE ANDREW DANIEL
 CUEVAS NEAL SIMON
 CURLEY MAUREEN
 DANIELL MARTIN HAYNES
 III
 DAPOLLONIO JOSEPH II
 DARBY THOMAS ALOYSIUS
 DARR RACHEL ELAINE
 DATKA ALLISON LEIGH
 DAVIES BRIAN LLEWELLYN
 DAVIES PETER EVAN
 DAVILA BENJAMIN ALAN
 DAVIS CHRISTOPHER
 ROBERT
 DAVIS DWAYNE MICHAEL
 DAVIS JAMES ALFRED
 DAVIS JASON
 CHRISTOPHER
 DAVIS KELLY RAY
 DAVIS MELVYN MALCOLM
 DAWLEY STERLING
 WHIPPLE
 DAWSON JAMES ALAN
 DAWSON JERRY
 DEBELLS JOHN JAY
 DEBRUN JOHN BRIAN
 DEFOO SUZANNE CARMEN
 DELACRUZ ARTHUR
 MICHAEL
 DELAERE JOHN RICHARD
 DELAHANTY MARK
 ANDREW
 DELANE ALTON DELROY
 DELAO MARC RUSSELL
 DELPOZZO DOMINIC PAUL
 DELUCCHI ANTHONY
 WALTER III
 DEMERITT STEPHEN DAVIS
 DEMIER CRISTOBAL
 MANUEL
 DESAI SUNIL BATES
 DEVINE JOHN CHURCHILL
 III
 DEVRIES WILLIAM JOHN
 DIAZ JENNIFER FAJARDO
 DIDIER BRYAN J.
 DIETRICH PAUL HAGER
 DIGUAARD JOSEPH
 ANTHONY JR.
 DILLON WILLIAM SCOTT
 DINKEL TROY ADAM
 DODGE JEFFREY SCOTT
 DOEBLER ERROL
 MAIDMENT
 DOFFIN ORIE ROLAND
 DOMINO ANTHONY
 RICHARD
 DONDERO JOSEPH
 REYNOLD
 DARCAS DEAN WADE
 DOWLING MICHAEL
 GERARD
 DOWNEY CHRISTOPHER
 JAMES
 DRAKE DAN BASIL

DROMSKY DAVID MICHAEL
 DUDGEON DOUGLAS EVAN
 DUERDEN WILLIAM
 CHARLES
 DUKAT ERIC ANTHONY
 DUKE JON DARREN
 DULLA BRIAN PAUL
 DUNGCA CONRADO GALANG
 JR.
 DUNN JOSEPH PATRICK
 DUNN ROBERT CAMERON
 DURN DANIEL JAMES
 DURYEA ROBERT HAROLD
 DUTHIE JOHN DAVID
 DYER GEORGE COLLIER
 DZENITIS DANIEL EVAN
 EARL JAMES THOMAS
 EASTERLING BRUCE
 MCDOWELL
 ECKERDT WILLIAM
 BRADLEY
 EDGE CARTER BREWER
 EDMONDS PATRICK SCOTT
 EDWARDS CHRISTIAN
 JAMES
 EDWARDS SCOTT WALTER
 EILERS MICHAEL FRANK
 ELLINGBOE CURT DOUGLAS
 ELLISON DAVID JOSEPH
 ENFIELD JOHN LOUIS
 ENGLE KENNETH THOMAS
 EPPS WADE ANDREW
 ERICSON CHRISTOPHER
 JOHN
 ESCALANTE GILBERTO
 ESTEBAN
 ESPRITU DENNIS
 ALFORQUE
 EST ANDREW
 CHRISTOPHER
 EVANS DAVID ANTHONY
 EVARTS JOHN
 CHRISTOPHER
 EVERAGE JEFFREY
 EDWARD
 EVERLY HUGH PATRICK
 EYMAN DALE ANDREW
 FABRY KRISTEN BETH
 FAGA JEFFREY MACKLIN
 FAIRSON ARTHUR LEE II
 FALCONE JEFFREY ERIC
 FALLACE PAUL JAMES
 FANCHER JOHN WILLIAM
 FARRELL RICHARD JOHN
 JR.
 FAUSTI BRANDON
 ANTHONY
 FAY EDWARD DWIGHT III
 FEE DOUGLAS FRANKLIN
 FELARCA PETER ANTHONY
 FETTERS DAMON SCOTT
 FIELDS DAVID PARKER
 FILAN KEVIN DAVID
 FILLMORE BRETT ERIC
 FINLEY KENNETH
 FINLEY TODD ROBERT
 FINNEY WALTER ELIAS
 FISHER JAMES RAYMOND
 FISHER KEVIN PATRICK
 FISHER MICHAEL DAVID
 FITZPATRICK ELIZABETH
 ANNE
 FITZPATRICK KATHRYN
 ANNE
 FLEMING QUINCY ANNORA
 FLIS DOMINIC ANDREW
 FLORES CARL DAVID
 FLORES RODNEY ANGELO
 FOLEY MICHAEL JOSEPH
 JR.
 FOLKERS CHRISTOPHER
 MAXWELL
 FOLTZ JERRY RICHARD II
 FORKEL STEPHEN PATRICK
 FORRY DANIEL LEE
 FOX MAUREEN
 FRANKLIN COREY BLAKE
 FRANKLIN ELIZABETH
 REDMOND
 FREDERIKSEN JOHN PAUL
 FREEHAFFER WILLIAM
 GIBSON
 FREEMAN GARY DOLPHA II
 FREIDENBERGER GEORGE
 ROBERT
 FRIEDMAN ROBERT
 CHARLES
 FROST MATHEW ROGER

FRYE CHRISTOPHER
 FUGLESTAD THOMAS DALE
 FUHRMAN JOHN MATTHEW
 FUNTANILLA NEIL EDWIN
 GABIER DANIEL WENDELL
 GADWILL JOSEPH REX
 GAGNON JASON LAHAYE
 GAJARDO GIL DOMINGO JR.
 GALIPEAU JOHN SYLVIO
 GALLAGHER WILLIAM
 MICHAEL
 GALLAHER CHARLA
 JANNELL
 GALLOWAY GLEN DOUGLAS
 GANCAYO JAMES
 TIMOTHY
 GARRETT COREY ALAN
 GARRISON MARK DAVID
 GAUCHER ROBERT
 MAURICE
 GAWITT DANIEL RICHARD
 GEBARA ANDREW JAMES
 GEISMAR DONALD DAVID
 III
 GERRY MICHAEL
 CRUICKSHANK
 GERVACIO ALEJANDRO
 CRUZ
 GIBSON MARGARET ANN
 GIBSON RAYMOND PATRICK
 GIES BRIDGET ANN
 GILBERT ANTHONY LESTER
 GILBERT DAVID DOUGLAS
 GILDAY BRIAN MATTHEW
 GLASER CHRISTINA BETH
 GLASGOW ARTHUR LOUIS
 GLENN ROBERT ORRUS III
 GOMEZ JAMES MIGUEL
 GONZALES RAYMOND GENE
 GOODRUM BRENT WILLIAM
 GOODWIN WILLIAM
 FRANCIS
 GOPPFARTH BOBBY LAYNE
 GORDON JERRY ALAN
 GORDON RICHARD WARNER
 GOTTSCHALK JOSEPH
 PHILLIP
 GRAHAM CHRISTOPHER
 BERNARD
 GRAHAM GERALD C
 GRANGER DEREK BRIAN
 GRANIERI GREGORY
 FRANCIS
 GRAULICH DAVID GEORGE
 GRAVES KATHRYN
 MICHELE
 GRAY HARRY
 MELANCHTHON III
 GREEN BRIAN THOMAS
 GREEN KEITH DAVID
 GREEN SAMANTHA JOY
 GREGORIEFF JILL ANN
 GREINER RICHARD GEORGE
 JR.
 GRIERSON JOHN PAUL
 GRIZZARD ALTON LEE
 GROVER PATRICK NORRIS
 GRUBBS LINDLEY WILLIAM
 GUDMUNDSSON MARKUS
 JOHANNES
 GUERRERO JEFFREY DAVID
 GUILLORY MARK ANTONY
 JR.
 GULUZIAN DAVID KEVORK
 GUSTAFSON SCOTT
 CHRISTOPHER
 GUTIERREZ ALBERTO
 DAVID JR.
 GUTIERREZ JOEL WILLIAM
 GWYNNE PETER ANTHONY
 HACKERSON JASON XAVIER
 HADDEN IAN THOMSON
 HAGAR PAUL CALLAWAY
 HAGEMAN GILBERT LEO
 HAGER DALE BURTON
 HAGOOD CHRISTOPHER
 DANIEL
 HALE CHRISTOPHER MARK
 HAMILTON MICHAEL LEE
 HAMMOND MATTHEW
 NICHOLAS
 HANNAN MICHAEL JAMES
 HANOVER PAUL ERNEST
 JR.
 HANSEN JULIE ANN
 HANSEN TRACY LYNN
 HARAN GERALD BRENDAN
 JR.

HARBUCK HENRY
 VENTRESS
 HARDY PENELOPE KATE
 HARMER CHRISTOPHER
 LOREN
 HARRELL JAY C
 HARRIS ERIK
 CHRISTOPHER
 HART ANGELA KAY
 HAUTH DAVID JOHN
 HAWKINS NATHAN JAMES
 HAYDEN DENNIS IRWIN
 HAYES RICHARD FENTON
 HAYNE DEMETRIUS JEON
 HAZLETT EDWARD
 GRAHAM
 HECK MATTHEW DAVID
 HEIGES JEFFREY GEORGE
 HEINZ ERIC ROLLAND
 HEINZ JACOB LANCE
 HEISKELL GROVER LEE III
 HENRY KEITH MATTHEW
 HERNANDEZ DIEGO
 HERNANDEZ GERARD
 JOSEPH
 HESS BENJAMIN KENNETH
 HESS MATTHEW NEIL
 HIGGINBOTHAM JOHN LEE
 HILDEBRANDT ERIC
 WILLIAM
 HILL MATTHEW THOMAS
 HILLARD DAVID TYLER
 HINCKEN ALBERT HARRY
 HINDINGER JOHN ROBERT
 HINTON KEVIN SCOTT
 HLATKY GREGORY MARK
 HODGSON DANIEL BRIAN
 HOFFMAN STEPHEN LEON
 HOGAN KARIN MARIE
 HOGUE PAUL HERBERT JR.
 HOKETT WALTER ARDELL
 HOLDSWORTH DAVID
 LINCOLN
 HONE MARC ALLEN
 HORRELL STEVEN LEE
 HOUFF DAVID MARK
 HOULGATE KELLY
 PERRILL
 HOWARD MATTHEW TODD
 HOWE BRETT EMERSON
 HOWELL STEVEN ERIC
 HUNTER LEE ALEXANDER
 HURVITZ MARK NATHAN
 HUSSEY BRIAN FRANCIS
 JR.
 HUWALDT CHRISTOPHER
 RYAN
 HYDE CHAD ALLEN
 HYDER VICTOR DALE
 IMBAT DANIEL DAVID
 JABLONSKY DANIEL LEE
 JABLON LEON ROMAN IV
 JACK DONALD ALAN
 JACKSON JANET LIN
 JACKSON JEFFREY
 MICHAEL
 JACOBS STEVEN ROBERT
 JACOBSEN CHRISTOPHER
 JOHN
 JANKE CHRIS DARREN
 JANKUS GISELLE
 JENDRYSIK STEPHEN LEON
 JENKINS STEVEN ANDREW
 JENKINS TRACEY EUGENE
 JENNINGS MICHAEL GENE
 JENNINGS STEPHEN MARK
 JERMYN SEAN PATRICK
 JETT TIMOTHY RICHARD
 JOHNSON DAVID EDWARD
 JOHNSON ROBERT STEVEN
 JOHNSON RYAN GREGORY
 JOHNSON SLATE LYON
 JONES JOHN CHARLES
 JONES OWEN JOHN
 JONES PRESTON WADE
 JONES TODD ALLEN
 JOPLIN CHARLES ARBIE III
 JORDAN NANCY ELIZABETH
 JORGENSEN JASON TODD
 JUAREZ MARCO ANTONIO
 JUNGBLUTH CHAD
 MICHAEL
 JUNOR THOMAS JOHN III
 KAISER MICHAEL
 CHRISTIAN
 KALOWSKY JAMES KEVIN
 KAPP JOHN JOSEPH III
 KEANEY JAMES HUGH

KEARNEY NEIL PATRICK KEEFE ROBERT WOODHAMS KELLEY CHRISTOPHER LEO KELLEY DOUGLAS BARRETT KELLEY ROBERT GRIFFIN JR. KELLY BRIAN EDWARD KELLY GREGORY JUDE KELSEY JOHN LAWRENCE KENDALL BRENT RILEY KENNEDY DAVE LOYD KERN JOHN MICHAEL KETO DANIEL BRIAN KIM TOMMY CHANGHUN KIM YOUNGJOON KIMBELL WALKER EUGENE IV KIMMEL WILLIAM KEITH II KING ROBERT TREVOR KING TERRY LEE KINSLOW BRADLEY SCOTT KIRKLAND ANDREW MARK KITCHEN ZACHARY JOSEPH KITTELEY REX ALLISON II KLEPPER ERIC DANIEL KLINE LEIGH SUZANNE KNOLLWUELLER MARK JOSEPH KOCISKO LAWRENCE MICHAEL II KOHLE JULIE ANN KOKKA SCOTT SUSUMU KOLMAN HEATH CHARLES KOONCE ERIK ALLEN KOSLOW MICHAEL JAMES KOSOWSKI JAMES MICHAEL KOSS DAVID EDWARD KOTARSKI ANTHONY JOHN KOWALCZYK JEFFREY JAY KRASOVIC STANLEY JOSEPH JR. KREVEYSKI FRANK EDWARD JR. KRIVACS ROBERT ALEXANDER KULP WILLIAM DAVID III KUTSURELIS JASON EMMANUEL KUYPERS MICHAEL ADRIAN LADAU TERENCE DAVID LAFERTY ERIC CHRISTOPHER LAGASSA DAVID ANDREW LAGOW MICHAEL RICHARD LAMARCA DOUGLAS JAY LAMPER DARLA LYNN LANGUELL CHRISTOPHER LEE LAPINA JOHN JACOB JR. LAROCCA BART BLAISE LARSON PAUL ANDREW LATTIG MATTHEW JOHN LAY RICHARD FRANKLIN JR. LEAHEY MATTHEW LAWRENCE LEBARON JONATHAN WEED LEDERER JAMES RICHARD LEDERER MARC SCOTT LEDNICKY JENNIFER ANNE LEE TARA MELISSA LEGREE LAWRENCE FREDERICK JR. LEHNHARDT KEITH WILLIAM LEMON ANDREA LOUISE LENART MARK JOSEPH LENZ CHRISTIAN JOHN LEROUX DAVID ROBERT LESPERANCE ANTHONY JOHN LEWIS MARTIN DEVAN LEYSHON CURTIS RANDALL LIEDMAN SEAN ROBERT LIM HYON SOK LINDEMANN MICHAEL JOSEPH JR. LINDSAY FRED WILLIAM LINER ROBERT ANDREW LISTON DARIN MICHAEL LITTLE DAVID PATRICK LIVINGSTON KIMBERLY ANNE LOCKETT CHRIS SCOTT LOCKHART STUART RUSSELL LOGSDON JAMES CLIFTON	LONGERAN JOHN JOSEPH LOPES CHRISTOPHER DASILVA LOPEZ BARBARA LYNN LOPEZ JASON KENNETH LOTHNER CAROLINE LOUISE LOTT DAVID ANTHONY LOWELL ERIC LAWRENCE LUCAS JEFFREY NEAL LUCAS MARC DAVID LUCAS MARKIMILLIAN JUAN LUDOVICO MARK DAVID MACDONALD GLEN WARREN MACHINSKI KAREN MARIE MACKENZIE ALEXANDER ROSS MACRITCHIE JOEL ROBERT MAEZ SAMANTHIA MAGEE SEAN PATRICK MAGNAN MAUREEN MARY MALECHA PETER KENNETH MALONEY MATTHEW WALKER MANKIN MARY CAROL MANN DAVID OBRIEN MANN JOHN CHARLES JR. MANN JOHN JACOB IV MARTIN JEFFREY ANDREW MARTIN JOHN JOSEPH MARTIN MICHIO JEANNETTE MARTIN STEPHEN DAVID MARTINAZZI ROBERT II MATTHEWS WALKER ALEXANDER III MAWANY KRISTIN MARIE CALUB MAXWELL JOHN MICHAEL MAY JEROME DAVID MAYNE THOMAS BRENT MCANENY MICHAEL CHARLES JR. MCCABE JOANN LYNN MCCAMBRIDGE PAUL JARED MCCARTHY EMMETT JAMES MCCONVEY WILLIAM AUGUSTINE V MCCORMICK BRIAN JOHN MCCOY MAX GARDEN JR. MCCREARY JEFFREY DEEREN MCEAHERN MICHAEL EDWARD MCFARLANE HUGH JAMES MCGHEE SHAWN MACGREGOR MCGREGOR ROB ROY MCGUIRE CHARLES HUBERT IV MCINERNEY JOSEPH JOHN MCINTOSH GARY ALLEN MCKEE SHAWN WILLIAM MCKONE STEPHEN DANIEL MCLAREN SEAN GORDON MCLELLAN CHRISTOPHER SCOTT MCMARLIN ANDREW JOSEPH MCMURRY BRENT RUSSELL MCNEALY KIM TRAVIS MCVAY JOHN FARRELL MEAGHER PATRICK CONVEY JR. MEEUWSEN BENJAMIN PAUL MELENDEZ JOSE MANUEL JR. MERRILL PETERS METCALF KURT LLOYD MEWHURTER DOUGLAS ROBERT MEYER JOHN ALLEN MILLER EDWARD CHARLES MILLER MORGAN JUSTIN MILLER ROBERT JOHN MILLS ALDEN MORRIS MINYARD JAMES DAVID MITCHELL JEFFREY RAY MITCHELL SUSAN LOUISE MITSUMORI KYLE YUTAKA MOBAYED RONALD JOSEPH MOBERG KALE JAMES	MOESINGER TABEETHA MARIE MONACO ANTHONY JAMES MONINGER EDWARD GEORGE III MOOK ROBERT WILLIS III MOONEY KEVIN SEAN MORELLI ROBERT MICHAEL III MORINGIELLO CRAIG ANTHONY MORIO DANIEL BRIEN MORLEY SARAH CHADWELL MORRIS GARRON SCOTT MORSE PETER JAMES MOSES JOHN ANTHONY MOTON CASEY JOHN MOWERY SAMUEL PAUL MOWERY SCOTT VERNON MUCCIARONE JAMES JOSEPH MULET LUIS JR. MULIERI CHARLES CHRISTOPHER MULIK JAMES DAVID MURPHY DANIEL EUGENE MURPHY STEPHEN FRANCIS NAPARRETTE ROMUEL BADULIS NARDO FIORE LOUIS II NAUCK MARGRET ANN NEALON DENNIS JOSEPH NEEL PATRICK LEONARD NETTZEY RICHARD FRANCIS NEUMAN CLINTON ANDREW NEUMANN JON FREDERICK NEUSER MICHAEL DAVID NEWTON JOHN POLLARD JR. NEWTON MARC THOMAS NICEWARNER CHRISTIAN LEE NICHOLLS JENNIFER LYNNE NICKLES CHRISTOPHER MICHAEL NIEDERTAHIL GILBERT CHARLES NISBETT SHAWN THOMAS NISBETT TRAVIS WAYNE NOLAN JONATHAN BENNETT NORFOLK JOHN ANDREW NORVELL RICHARD LEE NOVAK JAMES MICHAEL NULL GARY LEE NYLUND PAUL CHRISTOPHER OAKES DUANE MITCHELL OCHOA DAVID ANTHONY OCONNOR KEVIN MATTHEW OCONNOR WILLIAM SCRUGGS ODONNEL JAMES DOUGLAS ODWYER DOUGLAS GAWAIN OESTERREICH MARK HAROLD OLIN PAUL SHERMAN OLSON DANIEL FLOYD OLSON DAVID ERIK OLUVIC MICHAEL NICHOLAS ONEAL TED MOORE ONEILL ADAM JOHN ORCUTT DANIEL JAMES OROZCO JUAN JIMENEZ OTTEN ERIC ERVIN OVERLIN STACEY DOUGLAS PACE JASON RENARD PALMER MARK THOMAS PAPA PATRICK JAMES PARAISO EDWARD BIASBAS III PARKER ELTON COUNCIL III PARKER FRANCIS BYRON III PARKER MICHAEL ANDREW PARKER STEPHEN KEITH PARRA MATTHEW BERNARDINO PASQUITO JOSEPH JAMES PASSANT JOHN EDWARD IV PATINO CARLOS ALEXANDER	PATTERSON JOHN JAMES VI PAUL JOHN ABRAHAM PAYLOVICH ROBERT JOSEPH JR. PEARCE CLIFF PATRICK PEARSON RAYMOND LAURENCE II PECK RANDALL WILLEM PEDERSEN WILLIAM EDWARD PEKO MIGUEL LOLE PENEPACKER DENNIS FERN II PEREIRA JOHN RAY PERRY CHRISTIAN TODD PETERSON DAVID THOMAS PETERSON ERIC VERNETT PFISTER ERIC NELSON PHAM TUAN NGOC PHILLIPS JOSEPH THOMAS PHILPOTT STEPHEN SCOTT PICKERILL ROBERT WATSON PICON MANUEL ALFONSO PIEBCHNIK CRAIG WILLIAM PIETRANTONI DINO PINKERTON GARY WAYNE PITCOCK SCOTT ALLEN PLETCHER MARCUS BLUE POPP JOSEPH RAYMOND PORTER TODD ADAM PREISS RONALD PAUL PREISSER ROBERT WADE JR. PRICE GREGORY DAVIDSON PRICE JOHN ANTHONY PRICE KENNETH JAMES PYLANT JOHN HAROLD JR. QUIGLEY ROBERT JOHN QUIMBY PAUL BOWER QUINLAN JOHN BERNARD QUINN JOHN ROWLAND QUINTON JEFFREY MATTHEW RABIDOUX RAYMOND HENRY JR. RABIN JOHN LIEBMAN RACH SEAN ALLEN RADKE MICHAEL SCOTT RAINES DONALD LEE JR. RAMASSINI RICHARD JOHN RAPP MICHAEL DAVID REAMS KEITH PERRY READON MATTHEW GALVIN REDDICK EDWARD PAUL JR. REED DANIEL CHARLES REED TERENCE SEAN REEVES RICHARD L REHAK JOSEPH GREGORY REILLY THOMAS RAYMOND REINER DREW JAMES REINERS MICHAEL DEAN REINHART PAUL MICHAEL RENTZ MICHAEL WILLIAMS JR. REYES MICHELLE DUMADAUG RIBEL JEFFREY SCOTT RICHARDS JOEL BOONE RIGO MICHAEL JOHN RIMRODT JAMES BRIAN RINKER DAVID SCOTT RITTER CAREN MARIE RIVERA GILBERT DAVID JR. ROBERTSON DANIEL GORDON ROBINETTE WILLIAM JAMES III ROBINSON CRAIG ANTHONY ROBINSON DANIEL BRUCE ROBINSON DEAN ERIC ROCHELEAU MICHAEL RAYMOND RODRIGUEZ JOSE MANUEL ROGERS JEFFREY WADE ROPER KRISTEN ANN ROSSON THOMAS EARL ROTH JEFFREY MARTIN ROWE JENNIFER JEAN RUEGGER KEITH LEE RUFF RODNEY JAMES RUH MELISSA DEANNE RUSSO JAMES MICHAEL RUTH DAVID MICHAEL RYAN PETER JOSEPH JR. SAENZ ANTHONY FELAN	SALISBURY KEITH MICHAEL SALMORE DANIEL JOEL SALTZSTEIN SARA LORIN SANCHEZ FRANCISCO JOSE SANCHEZ ROGER ANTHONY SANDRI ROBERT ANDREW SANTINI NELSON RUBEN SARIA NATHANIEL REYNANTE SAWYERS ERIC SCOTT SCHAAP GARY LEE SCHALM DAVID ALVIN SCHENCK FRANK MARTIN JR. SCHER MATTHEW ADAM SCHEU DAVID ROBERT JR. SCHILD WILLIAM THOMAS SCHIMELPFENING ROBBY FRANKLIN SCHLAUDER WALLACE EVAN SCHNEIDER CHRISTOPHER JAMES SCHOLZEN MARGARET MARY SCHOMMER PETER JEROME SCHRODER KONRAD MARTIN SCHULTE SCOT ALAN SCHULTZ MICHAEL DAVID SCHWEIGHOFER MARC CHRISTIAN SCOTT BRIAN STUART SCOTT DANIEL WALTER SCRIMA GLENN WILLIAM SEHNERT ROBERT MARTIN SELINIDIS YIANIS JAMES SHARPE DAVID MARSHALL SHAW DANIEL MARKOS SHEA DANIEL PATRICK SHEA ROBERTA LYNN SHENOY BHARAT SHEPARD SCOTT JOSEPH SHEWELT DAVID PAUL SHINEMAN JUSTIN MATTHEW SHIPLEY MATTHEW WOOD SHOEMAKER JONATHAN BRUCE SHORT TOMMY MITCHELL SHUE MARTHA LYNN SIMS DERIC JAVIER SINCLAIR JEFFREY WAYNE SINLEY JAMES RICHARD JR. SKELTON PETER WADE SKULE JOSHUA GRANT SLAVEN SUSAN ELAINE SMALLEY JERI LEA SMETANA DEBORAH JEAN SMITH ANDREW JAY SMITH BRIAN MICHAEL SMITH JOSEPH LEE SMITH MICHAEL HELMUTH SMITH MICHAEL WEBNER SMITH NATHAN MICHAEL SMITH STEWART GRADY SOBECK PHILIP EDWARD SOFIELD KEVIN JOSEPH SOMA JOHN CLIFFORD SORENSEN BRIAN KEITH SOYLAND CARRIE ANN SPANG SHAUN CHUKA SPANIO BRYAN MICHAEL SPARKS TIMOTHY FUNSTON SPENCER JOHN DOUGLAS SPENCER STEPHEN ROBERT SPINLER ANTHONY BERNARD SPOLLEN TIMOTHY JOSEPH STALLINGS SHEILA MARY STATES VAN RANDALL STEEL DAVID STIVERS STEINER ROBERT SCOTT STEPHENS MICHAEL SHAWN STEVENS MATTHEW PAUL STEWART ALEXANDER EDWARD STEWART ANDREW DONALD STOHS DAVID STOWELL RALPH HENRY IV STRADA DOMINICK JOSEPH	STRATTON WALTER NEIL JR. STROTH LORETTA LYNN STUART CHARLES MONTAN STUART CHRISTOPHER PETER STUDDT KURT FRIEDRICH STUTZ JEFFREY ROBERT SUAZO JOHN ALAN SUCHARSKI ERIC BRIAN SULLIVAN PATRICK ALEXANDER SULLIVAN ROBERT CHARLES SUTER LAWRENCE CLIVIO SWEENEY CHRISTOPHER JOHN SWEET MARK LAUFFER SYBRANT CRAIG DERRICK SYCHTERZ JEFFREY SCOTT TAIT JENNIFER CAROLE TANNER MICHAEL BARRY TAYLOR JULIUS MONROE III TAYLOR ROBERT CHARLES TERLAJE PAUL GERARD TERNEUS THOMAS PATRICK TERRELL HAROLD ANTHONY TESTWUDE JONATHAN JAMES TEUSCHL THOMAS JOSEPH THOMAS CHRISTOPHER ROY JR. THORSFELDT DANIEL ROBERT TIGHE PATRICK EDWARD TORRES GUY ADOLF TOWNSEND LUTHER KESLER JR. TRAGNA CHRISTOPHER CHARLES TRIAL JEFFREY ALLEN TREACY CHRISTOPHER JOHN TRELENBERG THOMAS WALTER TROHA TODD ALAN TROKE ROSS CRAIG TROTTER BRIAN NELSON Troxell ANTHONY WAYNE TURNER DONALD ALLAN TURNER ROBERT JONATHAN TURNER WILLIAM PATRICK TURVOLD TYLER ROBERT TYSON PETER HOWARD UHDE JEFFREY WILLIAM UPSON KELVIN LYNN VALENZUELA ERIC JOSEPH VANDERMEER JAMES MELVIN VANSICKLE CHRISTOPHER PAUL VAUGHAN ANA IVONNE VAUGHAN DOUGLAS ALLEN VELOTAS STEVEN GARY VERHAEGE ERIC HOLT VERREES JAMES FREDERICK VIAL INES CHRISTINA VILLARREAL RAYMUNDO JR. VINFRIDO BONIFACIO VISION NICHOLAS ALAN VOOT JASON ALEXANDER VOURLIOTIS JOHN JAMES WACHENDORFER TIMOTHY PAUL WAGNER DANIEL ROBERT WAKEFIELD PAUL FREDERICK WAKEHAM FRANK GERARD WALKER BRENT CALVIN WALLER KRISTEN CLAIRE WALSH MICHAEL LEIGH WALTERMIRE SCOTTY WADE WARD HARRY JEFFREY WARD RODNEY COLLINS WAUGH ALEXANDER JAMES WAY DAVID WESLEY WEBER THOMAS ANDREW JR. WEINBERG THOMAS KELLY WEISS JEFFREY SCOTT
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WENG JENSH
WESTHOFF RICHARD III
WHITE ALEX DAVID
WHITE EDWARD CHARLES
III
WHITE TRAVIS WINGATE
WHITEHEAD JASON
ANDREW
WHITNEY DOUGLAS BOYD
WICKS WARREN WESLEY
WIESE JOHN MCCLAREN
WILHELM ALEXANDER
MARK
WILKINS FORREST DAVID
WILKINSON DONALD
RAYMOND
WILLIAMS CYNTHIA MARIE
WILLIAMS GREGORY BOYD
WILLIAMS GREGORY LEWIS
WILLIAMS ROBERT KNOX
WILLIAMSON
CHRISTOPHER LOYAL
WILLMORE CHARLES
STUART
WILSON GORDON SCOTT
WILSON WILLIAM LEON JR
WIMMER JAMES RANDAL
JR

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF SECTIONS 593, 8862 AND 8371, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

MICHAEL A. AIMONE xxx-xx-x...
WILLIAM E. ALBERTSON xxx-xx-x...
LARRY E. BAKER xxx-xx-x...
RAYMOND H. BARLEY xxx-xx-x...
CHARLES M. BARR xxx-xx-x...
BOBBY V. BEANBLOSSOM xxx-xx-x...
GEORGE E. BENNETT, JR xxx-xx-x...
PETER T. BENTLEY xxx-xx-x...
JAMES N. BENTON xxx-xx-x...
HAROLD W. BERNARD, JR xxx-xx-x...
FRANCIS A. BERTIN xxx-xx-x...
JOHN R. BLAIR xxx-xx-x...
LEONARD P. BOCHICCHIO xxx-xx-x...
DANIEL L. BOEST xxx-xx-x...
FREDERICK C. BOH xxx-xx-x...
GORDON J. BOSCH xxx-xx-x...
WILLIS M. BOSHEARS, JR xxx-xx-x...
GRANT S. BOUGHTON xxx-xx-x...
RICHARD D. BRADLEY xxx-xx-x...
ROBERT N. BRENTNALL xxx-xx-x...
GEORGE B. BROOKS xxx-xx-x...
STANLEY D. BURMAN xxx-xx-x...
ROGER L. CAMP xxx-xx-x...
ALLEN W. CARPENTER xxx-xx-x...
HERMAN S. O. CHING xxx-xx-x...
RALPH S. CLEM xxx-xx-x...
CHARLOTTE J. C. CLINGER xxx-xx-x...
ALAN B. CLUNE xxx-xx-x...
BARRY L. COHEN xxx-xx-x...
GEORGE B. CONWAY xxx-xx-x...
JIMMY C. CORNETTE xxx-xx-x...
JOSEPH E. CORTI xxx-xx-x...
HIAWATHA COTTON xxx-xx-x...
DONALD E. CRAWFORD xxx-xx-x...
CARL R. CUCULLU xxx-xx-x...
JOHN M. DANAHY xxx-xx-x...
ROBERT G. DERAAL xxx-xx-x...
WILLIAM R. DICKIE xxx-xx-x...
ROGER G. DISRUPT xxx-xx-x...
JOHN R. DREESMANN xxx-xx-x...
THOMAS E. EASTLER xxx-xx-x...
LARRY L. ENYART xxx-xx-x...
JAMES P. FEIGHNY, III xxx-xx-x...
AUGUSTUS M. FENNER xxx-xx-x...
ROBERT G. FOSNOT xxx-xx-x...
JAMES P. GALLI xxx-xx-x...
LEE H. GIDNEY xxx-xx-x...
RONALD A. GIELEGHEM xxx-xx-x...
JAMES E. GORDON, II xxx-xx-x...
JAMES D. GRANT xxx-xx-x...
JACK E. GRAY, II xxx-xx-x...
ADOLPHUS W. GUEST, II xxx-xx-x...
JAMES P. HANNY xxx-xx-x...
RONALD R. HARVEY xxx-xx-x...
DAVID L. HATCH xxx-xx-x...
RAYMOND L. HENLEY xxx-xx-x...
LYNN R. HERCHE xxx-xx-x...
CHRISTIAN B. HUGHES xxx-xx-x...
CHARLES A. HULSE, JR xxx-xx-x...
JAMES E. JONES, II xxx-xx-x...
A. FRANK KASPARIAN xxx-xx-x...

WOGIB TODD CLARENCE
WOELPER ERIC PATRICK
WOLFE JAMES ANDREW
WOLFE JOHN HARRISON II
WOODARD BRIAN TODD
WOODBURY JEFFREY
SCOTT
WORTMAN CHRISTIAN
FRITZ
WRITH RANDY PETER
WU PETER ALLEN
YAMAMOTO SCOTT YUZO
YLAGAN DENNIS DON
YOO TIMOTHY EUN
YOUNG PETER ACKERMAN
YOUNG TERESA MARIE
ZAKEM ANDREW HOWARD
ZALESKI PATRICK JOSEPH
ZAREMBA DONALD ALLEN
ZELLEM SCOTT ALLEN
ZIMBELMAN DOUGLAS
DEAN
ZITZ KENNETH WILLIAM II
ZOTT DANIEL JAY
ZUHOWSKI JOHN JOSEPH
ZUKOWSKI MARK EDWARD
ZUNA MICHAEL WILLIAM

ROBERT W. KINLEY xxx-xx-x...
DARYL B. KORDENBROCK xxx-xx-x...
ANGELO J. LABARRO xxx-xx-x...
LAMBERT P. LANDRY xxx-xx-x...
LAWRENCE S. LARONGE xxx-xx-x...
RONALD W. LEE xxx-xx-x...
IVOR L. LEGROS xxx-xx-x...
DAVID H. LYON xxx-xx-x...
DENNIS H. MAJKOWSKI xxx-xx-x...
MICHAEL MARINO xxx-xx-x...
ROBERT M. MARSHALL xxx-xx-x...
ROBERT J. MCMILLAN xxx-xx-x...
DEAN W. MILLS xxx-xx-x...
JOHN P. MOORE xxx-xx-x...
JOHN W. MORGAN xxx-xx-x...
DEWITT L. MORRIS, JR xxx-xx-x...
MICHAEL W. MOSS xxx-xx-x...
WARD W. MOYER xxx-xx-x...
JON C. MUNSON xxx-xx-x...
DANIEL R. MURRAY xxx-xx-x...
LEON J. NEISIUS xxx-xx-x...
SCOTT R. NICHOLS xxx-xx-x...
THOMAS F. OATMEYER xxx-xx-x...
CHARLES W. OCAIN xxx-xx-x...
TERRY E. PAASCH xxx-xx-x...
RONALD K. PEACOCK xxx-xx-x...
BRUCE E. PECON xxx-xx-x...
THOMAS E. PHALEN xxx-xx-x...
WILLIAM T. PONDER, JR xxx-xx-x...
LAWRENCE A. POTTER, JR xxx-xx-x...
NELSON D. POWELL, JR xxx-xx-x...
JOHN R. PRATT, JR xxx-xx-x...
WAYNE L. PRITZ xxx-xx-x...
RONALD L. PROCTOR xxx-xx-x...
RICHARD T. PRZYBELSKI xxx-xx-x...
CHARLES E. REDMAN xxx-xx-x...
AUDREY J. REEG xxx-xx-x...
DAVID T. RICHARDS xxx-xx-x...
GEORGE W. RICHARDSON, II xxx-xx-x...
DAVID E. RITTER xxx-xx-x...
EDWARD D. ROGALSKI xxx-xx-x...
JOHN J. ROGERS xxx-xx-x...
MARK V. ROSENKER xxx-xx-x...
WILLIAM C. SCHILLIG xxx-xx-x...
DENNIS W. SCHULSTAD xxx-xx-x...
MARTIN P. SEDLACKO xxx-xx-x...
JACK SIEGEL, JR xxx-xx-x...
ROBERT B. SIGFRIED xxx-xx-x...
PATRICIA I. SLOANE xxx-xx-x...
LINDA L. SMITH xxx-xx-x...
DAVID H. SPINDLE xxx-xx-x...
MARTIN A. STEVENS xxx-xx-x...
MILES H. STRALY xxx-xx-x...
ANTHONY F. STRANGES, JR xxx-xx-x...
JERRY R. STRINGER xxx-xx-x...
PETER K. SULLIVAN xxx-xx-x...
ALBERT H. SZAL xxx-xx-x...
JOSEPH F. TEIBER, JR xxx-xx-x...
FREDERICK M. THURMAN xxx-xx-x...
ROBERT L. TOBIAS xxx-xx-x...
JOSE A. TORO xxx-xx-x...
MICHAEL L. TYLER xxx-xx-x...
JERRY S. VANFOSSEN xxx-xx-x...
JOHN F. VANGORDER xxx-xx-x...
JERRY R. VANLEAN xxx-xx-x...
JOHN E. VENIS xxx-xx-x...
CARL E. VOGT xxx-xx-x...
LAWRENCE M. WAGER xxx-xx-x...
SHERRY L. WAINWRIGHT xxx-xx-x...
DONALD W. WALLACE xxx-xx-x...
ANTON J. WANIO xxx-xx-x...
CHARLES D. WATSON xxx-xx-x...
GARY R. WEAVER xxx-xx-x...
JOEL WEISS xxx-xx-x...
LOUIS S. WELKER xxx-xx-x...
JACK A. WESTENBORG xxx-xx-x...
JOHN L. WILKINSON xxx-xx-x...
PAUL K. WILLIS, JR xxx-xx-x...
LARRY E. WISEMAN xxx-xx-x...
ARTHUR R. WORTHINGTON xxx-xx-x...
HERBERT D. WRIGHT xxx-xx-x...
BARRY D. WYTTEBACH xxx-xx-x...
TYRONE W. ZERBY xxx-xx-x...

CHAPLAIN CORPS

To be colonel

MARTIN F. MCGUILL xxx-xx-x...
JOHN C. ROPP, JR xxx-xx-x...
JOHN L. THOMPSON xxx-xx-x...

DENTAL CORPS

To be colonel

THOMAS C. ABRAHAMSEN xxx-xx-x...
DONALD J. COPENHAVER xxx-xx-x...
NORWOOD J. FLEMING, JR xxx-xx-x...
WILLIAM G. ROSE, III xxx-xx-x...
GUISEPPE P. SANTANELLO xxx-xx-x...

JUDGE ADVOCATE

To be colonel

BRUCE S. BAILEY xxx-xx-x...
MACASLINE D. BARNES, JR xxx-xx-x...
JACK S. BENDER, II xxx-xx-x...
WILLIAM P. BOSWELL xxx-xx-x...
MARK FRIEDLANDER xxx-xx-x...
JOHN P. HARTMAN xxx-xx-x...
REINO C. LANTO, JR xxx-xx-x...
ROGER J. MCAVOY xxx-xx-x...
GARY S. PEDERSEN xxx-xx-x...
DONALD E. PETERSON xxx-xx-x...

MEDICAL CORPS

To be colonel

JOHNNY B. ALEXANDER xxx-xx-x...
WARRICK L. BARRETT xxx-xx-x...
NORMAN C. BOS, II xxx-xx-x...
JOHN A. BURKINS xxx-xx-x...
MARY B. DALY xxx-xx-x...
ARTHUR E. DEPALMA xxx-xx-x...
WILLIAM G. DOODY xxx-xx-x...
PETER J. EIDENBERG, II xxx-xx-x...
JAMES P. ELROD xxx-xx-x...
KLAUS HARTMANN xxx-xx-x...
GERALD M. HOLLINGSWORTH xxx-xx-x...
RICHARD L. HOLT xxx-xx-x...
RICHARD W. KIMMERLING xxx-xx-x...
JOSEPH R. KRAYNAK xxx-xx-x...
THEODORE E. LEFTON xxx-xx-x...
ROBERT G. MCCONNELL xxx-xx-x...
HENRY H. MIDDLETON, III xxx-xx-x...
JUAN A. MUJICA xxx-xx-x...
RICHARD V. NORMINGTON xxx-xx-x...
GERARD A. OCONNOR xxx-xx-x...

NURSE CORPS

To be colonel

ALICIA A. ALPHINTOLLISON xxx-xx-x...
MARY A. ATTEBURY xxx-xx-x...
MYRA A. BROADWAY xxx-xx-x...
JOAN D. B. BURKE xxx-xx-x...
PATRICIA A. CHAPPELL xxx-xx-x...
PAMELA S. FORD xxx-xx-x...
DIANNE M. GAGLIANO xxx-xx-x...
GEORGIA A. HALE xxx-xx-x...
ROBERTA A. JARON xxx-xx-x...
MARY L. KEENER xxx-xx-x...
ALBERT E. LAMONS, SR xxx-xx-x...
JUDITH E. MABRY xxx-xx-x...
MARILYN M. PATTILLI xxx-xx-x...
ANNMARIE RICCIARDI xxx-xx-x...
DONNA C. SPERRY xxx-xx-x...
ALICE H. SPOON xxx-xx-x...
DEBORAH L. TOMPKINS xxx-xx-x...
CHERYL A. WALKER xxx-xx-x...

MEDICAL SERVICE

To be colonel

PATRICK J. ABBOTT xxx-xx-x...
JACK B. CAMPBELL xxx-xx-x...
ALAN F. DOWLING, JR xxx-xx-x...
WILLIAM F. ENGLAND xxx-xx-x...
FREDERICK L. RIEDL xxx-xx-x...
DAVID M. WEBB xxx-xx-x...

BIO-MED CORPS

To be colonel

THOMAS L. HANNA xxx-xx-x...
DEWAYNE H. WALKER xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

DONALD H. ANKOV xxx-xx-x...
WARNER J. W. FAN xxx-xx-x...
EDWIN M. QUINONESROMEU xxx-xx-x...
DAVID A. SKEEL xxx-xx-x...

To be lieutenant colonel

JASON Y. KIM xxx-xx-x...
 SHINE S. LIN xxx-xx-x...
 RAYMOND E. MATSON xxx-xx-x...
 DANNY W. MYERS xxx-xx-x...

To be major

JOHN A. MAYER xxx-xx-x...
 JERRY B. OWEN xxx-xx-x...
 KIM M. SCHOEFFEL xxx-xx-x...
 PETER J. STEPHEN xxx-xx-x...
 CHRISTOPHER S. WILLIAMS xxx-xx-x...

To be captain

MICHAEL J. AINSCOUGH xxx-xx-x...

DENTAL CORPS

To be lieutenant colonel

DAVID A. CHANCE xxx-xx-x...
 JOHN M. CORLEY xxx-xx-x...
 MICHAEL S. JACOBS xxx-xx-x...
 PAMELA J. KLOOTS xxx-xx-x...
 MELVIN J. SOKOLOWSKY xxx-xx-x...
 GLENN R. STENQUIST xxx-xx-x...

To be major

THOMAS J. BEESON xxx-xx-x...
 JOHN R. BETTINESCHI, JR. xxx-xx-x...
 JAMES E. BLOOD xxx-xx-x...
 JOHN J. BOYLE, JR. xxx-xx-x...
 THOMAS L. BRUCE xxx-xx-x...
 STEPHEN G. BURKE xxx-xx-x...
 MARK T. CARLSON xxx-xx-x...

MICHAEL J. CONLAN xxx-xx-x...
 CHRISTOPHER R. CULLITON xxx-xx-x...
 STEVEN C. FENZL xxx-xx-x...
 GREGORY R. GATES xxx-xx-x...
 RAYMOND H. HANCOCK xxx-xx-x...
 THOMAS D. HAWLEY xxx-xx-x...
 SPENCER N. HOPKINS, JR. xxx-xx-x...
 GEORGE M. HORSLEY xxx-xx-x...
 ANTHONY A. KAMP xxx-xx-x...
 JOHN C. KNIGHT xxx-xx-x...
 ELLIS J. NARCISSE, JR. xxx-xx-x...
 GLENDA E. S. NUCKOLS xxx-xx-x...
 ELEONORE PAUNOVICH xxx-xx-x...
 WILLIAM W. WELLER xxx-xx-x...

To be captain

THOMAS W. GRACE, JR. xxx-xx-x...
 WILLIAM F. JENNINGS xxx-xx-x...

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be major

KATHLEEN M. SWEET xxx-xx-x.

To be captain

MICHAEL L. GRUMELL xxx-xx-x.

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF, TITLE 10, UNITED STATES CODE, SECTION 9067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

JAMES W. BROWN xxx-xx-x.
ROBERT C. DALZELL JR xxx-xx-x.
DONALD N. LERLY xxx-xx-x.
KEITH V. MCLAUGHLIN xxx-xx-x.
ROBERT W. MILES xxx-xx-x.
JOSEPH P. MULLEN xxx-xx-x.
ALAN S. ROSENTHAL xxx-xx-x.
LAWRENCE R. SPENCER xxx-xx-x.
ROBERT R. TOMPKINS xxx-xx-x.

THE FOLLOWING AIR FORCE OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

LYMAN A. ADRIAN xxx-xx-x.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

To be colonel

LINE OF THE AIR FORCE

WILLIAM P. ALEXANDER xxx-xx-x.
RICHARD P. AMES xxx-xx-x.
DAN G. BELLUE xxx-xx-x.
GEORGE S. I. BONES III xxx-xx-x.
WALTER R. BONO xxx-xx-x.
JEFFERY W. BOYKEN xxx-xx-x.
RONALD L. BRIGGS xxx-xx-x.
ROBERT E. CANTER xxx-xx-x.
DENNIS J. CHRISTMAN xxx-xx-x.
JOHN A. CLOYD xxx-xx-x.
JOHN W. COOK xxx-xx-x.
HAROLD A. CROSS xxx-xx-x.
THOMAS G. CUTLER xxx-xx-x.
MAXWELL J. DESSELLE xxx-xx-x.
WILLIAM F. DOCTOR xxx-xx-x.
ROBERT T. ENDRES xxx-xx-x.
GARY W. FELSTEAL xxx-xx-x.
ROBERT J. FITZGERALL xxx-xx-x.
WALTER N. FOSTER JR xxx-xx-x.
DAVID P. FRANCIS xxx-xx-x.
HENRY M. I. GAITHRIE xxx-xx-x.
WILLIAM B. GOSS xxx-xx-x.
THOMAS E. GRIFFIN xxx-xx-x.
JAMES L. HANLEY JR xxx-xx-x.
MELVIN N. HANNA xxx-xx-x.
JOHN R. HARTMANN xxx-xx-x.
STEPHEN L. HEBBAH xxx-xx-x.
THOMAS J. HOLLAND xxx-xx-x.
ROBERT A. HOTCHKISS xxx-xx-x.
DAVID R. HUDLET xxx-xx-x.
JAMES J. KAIFAS xxx-xx-x.
THOMAS E. KENVILLE xxx-xx-x.
ENRIQUE J. LANZ xxx-xx-x.
KENNETH K. LOTT xxx-xx-x.
WILLIAM B. LYNCH xxx-xx-x.
RONALD C. MANNING xxx-xx-x.
TERRY W. MCKINSEY xxx-xx-x.
JON M. MCMAHON xxx-xx-x.
JOHN R. METZ xxx-xx-x.
TIM E. MORELAND JR xxx-xx-x.
FRED L. MORTON xxx-xx-x.
GLENN T. ORR xxx-xx-x.
WILLIAM R. PARR JR xxx-xx-x.
MAXEY J. PHILLIPS xxx-xx-x.
DOUGLAS M. PIERCE xxx-xx-x.
RICHARD A. PLATT xxx-xx-x.
DONALD L. POWELL xxx-xx-x.
JAMES L. RADTKE xxx-xx-x.
THOMAS W. RIFFE xxx-xx-x.
JERRY H. RISHER xxx-xx-x.
DEAN O. SABBY xxx-xx-x.
THOMAS E. SALAMAN xxx-xx-x.
MICHAEL G. SEMBER xxx-xx-x.
HENRY C. SHERO xxx-xx-x.

ARNOLD E. SIRS xxx-xx-x.
MARY C. SMALL xxx-xx-x.
GARY L. SMITH xxx-xx-x.
STEVEN M. SMITH xxx-xx-x.
RICHARD E. SPOONER xxx-xx-x.
EDMUND J. THIMME JR xxx-xx-x.
EMMETT R. TITSHAW JR xxx-xx-x.
TERRY F. VEITE xxx-xx-x.
JOHN T. WHALEY xxx-xx-x.
DAVID J. WHITE xxx-xx-x.
RAYMOND E. WOODSON xxx-xx-x.

DENTAL CORPS

JOHN A. HARRIS xxx-xx-x.
THOMAS A. SHEROYAN xxx-xx-x.

JUDGE ADVOCATE

DAVID A. FABER xxx-xx-x.
GEORGE A. HUBER xxx-xx-x.
PAUL W. MADGETT xxx-xx-x.
WILLIAM C. POTTER xxx-xx-x.
MICHAEL J. PRINCE xxx-xx-x.

MEDICAL CORPS

ROBERT P. ANDREWS xxx-xx-x.
JAMES L. CARPENTER xxx-xx-x.
AINSWORTH G. DUDLEY xxx-xx-x.
STEPHEN J. FRUSHOUR xxx-xx-x.
PAUL T. GREGG xxx-xx-x.
GERALD E. HARMON xxx-xx-x.
LARRY P. PUTNAM xxx-xx-x.
CHRISTIAN F. RISSE xxx-xx-x.
JOHN R. WOOD xxx-xx-x.
JAI H. YANG xxx-xx-x.

NURSE CORPS

VERNA D. FAIRCHILD xxx-xx-x.
LINA S. RUPPEL xxx-xx-x.

IN THE NAVY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS, TO BE REAPPOINTED AS PERMANENT LIMITED DUTY OFFICERS IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, LINE, USN, PERMANENT

MARLON Q. ABREU
GEORGE E. BAKER
CLIFFORD A. BUSSEY
DANIEL G. DESILETS
THOMAS J. DUAME, III
WILLIAM D. FRENCH
GARY A. HEIDMAN
WILLIAM E. JASPER, JR
HILDA E. JEWELL
ALAN C. MALMQUIST

FRANK E. MYERS
JERRY B. OWENS
MICHAEL J. POPADAK
DAVID L. ROUSE
PAUL H. SOLIS
JACOB M. TALAGA
ROBERT W. TRACHSLER
VINCENT E. VANDERSNICK
RICHARD L. VANVLIET
RICHARD W. WILLIAMS

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED AS PERMANENT LIMITED DUTY OFFICERS IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, LINE, USN, PERMANENT

SCOT K. ABEL
FREDERICK E. AGEE, JR
VIRGIL E. AKERS
ALFREDO L. ALMEIDA
CORNELIO J. ALVARADO
BRIAN W. ANDERSON
CLEMIA ANDERSON
DANIEL R. ANDERSON
STEVEN G. ANDERSON
CHRISTOPHER L. ARCHUT
NORMAN C. ASH
NATHAN W. ASHE
DAVID W. ATKINS
CHARLES E. A. BAKER
KEVIN W. BALDWIN
RICHARD L. BATES
TIMOTHY D. BATES
JEFFREY M. BEATY
DAVID E. BENEFIEL
LAMAR H. BENTON
DAN C. BEYETTE
CYRILEE A. BILLINGS
ERIC N. BINDERIM
ROBERT L. BLANCHARD
EDWARD J. BLASKO
LARRY P. BORDEN
WILLIAM H. BORGEIT
JOSEPH H. S. BORJA
RICKY L. BOTT
LANCE F. BOVEY
FRANK W. BOYD
JIMMY L. BOYKIN
MICHAEL A. BRAY
EDWARD F. BREAUULT
DAVID H. BRITT
CATHERINE A. BROOKS
WAYNE M. BROVELLI
BARKLEY H. BROWN
DANNY W. BROWN
JOHNNY D. BROWN
JAMES A. BROWNING, JR
RICHARD A. BUSH
BRUCE M. BUTLER

JOHN F. BUTTLER
ROBERT M. CARR
LEWIS J. CARVER
ROBERT J. CASEY
MARK A. CHAFFIN
STEVEN D. CHICO
KENNETH E. CLEVELAND
DANIEL J. COLE
SCOTT C. COLTON
RICHARD A. CONTINI
JESS H. COOLEY
KEVIN T. COSTELLOE
JOHN A. COTE
GREGORY H. CREWSE
FRED W. CRUISE
RICHARD D. CUPP
KENNETH A. DAIBER
NORRIS L. DANZEY
LINDA S. DENEEN
DAVID M. DERESCHUK
CARL E. DESHA, JR
JAMES M. DHAENENS
JERRY H. DOBBS
DAVID J. DOWELL
JOSEPH P. DREW
JOHN M. EDWARDS
SCOTT R. ERLACH
DALE A. ESPERUM
PAUL G. FABIUS, JR
EUGENE M. FARNSWORTH
JOHN H. FARQUHAR
JOSEPH D. FARRELL
RICHARD D. FLORES
DANIEL L. FLURY
TERRY A. FORD
PERRY L. FORESTER
DAVID C. FOSTER
JOSEPH E. FRANZ
ROBERT F. FRENCH
WILLIAM S. FROST
WILLIAM E. FULTZ
WALTER GAINER, III
BRIAN F. GALE

JOHN A. GALLEGOS
MICHAEL A. GALLEGOS
RICARDO GARZA
WILLIAM J. GETZFRED
STEPHEN V. GIBBENS
DAVID L. GIBBS
JOHN W. GRADY
GLENN G. GRAVATT
DARRELL L. GRIFFIN
MICHAEL J. GUARRACINO
JOSEPH P. GUERRERO
GRAHAM R. GUILER
STEVEN P. GULLETTE
DARLENE R. GUNTER
BRAD F. GUTTILLA
WILLIAM A. HAMMOCK
SEAN A. HARDWICK
TOMMY C. HARRIS
ROBIN A. HASTINGS, II
CHARLES H. HAYDEN, JR
KEITH W. HENCHEL
DANIEL P. HENDERSON
DAVID O. HENDRICKSON
RONALD H. HENRY
STEVEN M. HENRY
DAVID A. HILL, II
LAWRENCE D. HILL
MATTHEW J. HOLCOMB
DANIEL P. HOWE
STEVEN M. HOWELL
KEITH W. HUNTER
JOHN E. IWANIEC
DAVID W. JACK
SUNI L. JACKSON
CHARLES JAMES, JR
OREN C. JEFFRIES
PEDRO JIMENEZ, III
LARRY M. JOHNSON
RICHARD M. KANO
ROBERT S. KARNIS
RICHARD M. KAY
ROBERT N. KEATON
DENNIS R. KELLY
DANNY R. KIRSCH
DAVID G. KNAUTH
TIMOTHY T. KORMOS
WILLIAM C. KOSKI, JR
JOHN M. LACHANCE
KARL A. LADO, JR
DAVID J. LAMBERT
PETER F. LARKIN
ROBERT J. LAROCK
STEVEN C. LARSON
JOHN H. LECKIE
MICHAEL R. LEDBETTER
BRUCE P. LEE
VICTOR K. LEONARD
ALAN D. LEWIS
JIMMY LEWIS
RONALD P. LIECHTY
GLENN W. LINTON
CURTIS L. LIPSCOMB
MICHAEL M. LONG
VALERIE L. LOVELACE
RICKY K. LOVELL
RODOLFO LOZANO, JR
LARRY L. LUTTHLE
RICHARD J. MACDONALD
DONALD G. MACK
MICHAEL G. MADISON
JAMES P. MARTEN
RUSSELL F. MARTIN, JR
JOSE F. MARTINEZ, JR
RONALD V. MATTHEWS
JESUS A. MATUDIO
MICHAEL G. MCADAMS
THOMAS W. MCLELLAN
JAMES F. McDONELL, III
ROBERT P. MCNABB
DOUGLAS K. MEINHARDT
ADAM J. MELCH
MARVIN D. MERRITT, II
JOHN A. MIHM
RICKY E. MILLER
DAVID L. MITCHELL
MICHAEL K. MOORE
RICHARD M. MOORE
ROBERT T. MORRIS
THOMAS A. MORRIS
MARK L. MOW
DAVID K. MUISE
ROBERT D. E. NEWBRY
FRANKLIN B. NEWELL
EDDIE E. NIKOLAS
WILLIAM H. NISLEY, II
DEBRA J. NORTON

ANTHONY J. OBERTO
MARTIN W. ODELL
DONNY G. OLIVER
PAUL D. OLSON
JOSEPH K. OROURKE
DONALD E. OWENS
WILLIAM J. PAAVOLA
CHRIS M. PARIS
DERRELL W. PARKER
STUART D. PASELK
JOSEPH P. PATTON, JR
DAVID W. PEACOTT
JEFFERY T. PENSAK
ROBERTO PEREZ
GERARD J. PERRY
ERNEST K. PETERSON
JERRY L. PETERSON
DANIEL V. PETTY
GERALD W. PEZZELLO
JEFFREY R. PITEL
DOUGLAS S. PLAICE
JAMES M. PLUTH
MICHAEL K. PRICE
WILLIAM H. PROCTOR
KENNETH J. PROHASKA
JOHN W. REPPERT, II
WILLIAM H. REYNOLDS, JR
CHRISTY I. RICHARDS
ROBERT E. RITCHIE, JR
RICHARD A. ROBERTS
JOSEPH J. ROSENBERG
BRUCE M. ROSS
JOHN C. ROTTGER
LOUIS E. RUSSHTON
RODNEY G. SAFFLES
EMIL J. SALANSKY, JR
GUILLERMO A. SAMUELS
THOMAS SANFORD
DENNIS D. SAYRE
WILLIAM H. SCHAACK
KURT P. SCHAEDEL
STEPHEN C. SCHUELER
ALBERT R. SCOBEE
LAWRENCE A. SCRUGGS
GARY L. SHAW
GORDON E. SHEEK
THOMAS R. SHEPHERD
JOHN E. SHOCKLEY
WILLIAM M. SHUMER
EDWARD J. SIMMONS
BRIAN SMITH
HAROLD W. SMITH
HENRY G. SNOWDEN, JR
LARRY S. SOUTHERLAND
MICHAEL P. SPORTELLI
RICHARD A. STABLES
PEGGY B. STEWART
MICHAEL A. STOCKDALE
GERALD G. STONE
RICHARD L. STRICKLAND
JOHN J. SWOKOWSKI
BERNARD F. TANT, III
CHARLES D. TAYLOR
RICHARD A. TAYLOR
STEVEN M. TERRILL
MICHAEL L. THOMPSON
DIANN D. TILGHMAN
DAVID A. TREINEN
RYAN L. TUCKER
ZACHARY D. TUDOR
MARK A. TUOHY
DONALD R. TURCOTTE
DENNIS D. UNRUH
THOMAS J. UT
JOHN S. VOGES, JR
BARNEY R. WALKER
LEON A. WALKER
LOUIS H. WATKINS, JR
GREGG D. WEBER
DAVID A. WERT
JAMES P. WESLEY
DAN O. WESSMAN
GREGORY D. WHEELLOCK
JIM C. WHIPPLE
ALAN A. WHITE
CARL E. WHITE, JR
DAVID L. WHITNEY
ALVIN D. WILKERSON
ROY D. WILLIAMS
MATTHEW H. WISNIEWSKI
MARK A. WIXSON
RONALD C. WOOD
RUSSELL L. WYCKOFF
DAVID A. YAKUM
KEVIN C. YOUNG

THE FOLLOWING NAMED LIMITED DUTY OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, SUPPLY CORPS, USN, PERMANENT

NEMESIO C. DEDIOS

LEONARD G. HAMMOND

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS AS LIMITED DUTY OFFICERS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, SUPPLY
CORPS, USN, PERMANENT

EDWARD ALEXANDER
JOHN A. BARTELS
BRUCE A. BETTS
BRYAN D. BLACK
HERBERT A.
BRACKENRIDGE
DEAN M. CHANDLER
ERNESTO B. CORNEJO
MICHAEL J. DESHANEY
MARK H. DESILETS
STEPHEN M. GILL

GARY J. GOSDZINSKI
SHERIE D. HOOPER
KENNETH W. KEARLY
EDGARDO M. LABAO
GARY M. MANDICH
FREDERICK S. MEADE
ROBERT C. MORRIS
MANUEL A. NUNEZ
STEPHEN W. PATTERSON
RICHARD A. SMILEY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS AS LIMITED DUTY OFFICERS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, CIVIL
ENGINEER CORPS

USN, PERMANENT

ROBYN D. EASTMAN
BILLY J. HARGER, II
RAYMOND G. HOULE

THEODORE T. POSUNIAK
ROBERT E. ZULICK

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LAW PROGRAM AS LIMITED DUTY OFFICERS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, LAW
PROGRAM, USN, PERMANENT

LAWRENCE L. BATZLOFF

MICHAEL S. PINETTE

WITHDRAWAL

Executive message, transmitted by the President to the Senate on February 26, 1991, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF JUSTICE

DONNA M. OWENS, OF OHIO, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE. (NEW POSITION.)

EXTENSIONS OF REMARKS

LET'S WELCOME JAMES BROWN
BACK

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DELLUMS. Mr. Speaker, today I come to the Congress of the United States and the American people to recognize truly a living legend, James Brown, the "Godfather of Soul."

Mr. Brown is not only a legendary entertainer, but a humanitarian and social activist as well. He has overcome many personal and professional obstacles in his life to achieve professional greatness as a performer. Today I ask that we join together to congratulate Mr. Brown for overcoming another obstacle in his life; that is, ending his current incarceration in South Carolina. On February 27, 1991, the "Godfather of Soul" shall be presented for parole at a hearing before the Board of Probation, Parole and Pardon Services in Columbia, SC. He will soon be released after serving more than 2 years of his most productive life, in prison, for a nonviolent crime. Therefore, I ask for all Americans to join me in welcoming back a truly remarkable man with an amazing history.

He has served this Nation in many ways—he helped stop the riots after the assassination of Dr. Martin Luther King, Jr.; he advocated continuing education with his song "Don't Be a Dropout"; he instilled honor in millions with his song "Say It Loud; I'm Black and I'm Proud"; he toured Vietnam for our soldiers and recently played for troops on their way to the Persian Gulf war. His service to our community and the Nation will undoubtedly continue.

Additionally, I am submitting this article written by Susan Broili which appeared on February 10, 1991, in the Herald Sun newspaper in Durham, NC, on Mr. Brown for those who do not know the man or his contributions to the music industry and social causes. Also I wish to thank Larry Friddle, Thomas A. Hart, Jr., Phillip Jones, Miranda Lewis, Skip Kelly, Stephen Fleming, and the rest of the staff of On the Potomac Productions, who produced the television special "James Brown: The Man, the Music and the Message." This special brings out the essence of James Brown and what his life has meant to three generations of Americans. I urge my colleagues to view the program when it is broadcast in their local areas:

JAILED JAMES BROWN PLANS HIS COMEBACK
(By Susan Broili)

Ah-a-a-ow!

Mention the name James Brown and jump back 'cause folks are liable to get funky—drop everything, let out a soul scream and break into their own version of "I Feel Good."

For nearly four decades, Brown's gut-wrenching screams and visceral lyrics, delivered in a raspy, buzz-saw voice and backed by pulsing rhythms and staccato horns, have made millions of fans FEEL G-O-O-D.

Made them do the Jerk, Mashed Potatoes, Funky Chicken and try to do the Camel Walk by watching Brown—his legs vibrating as he snaked backwards, on one foot, across the stage.

These days, the Godfather of Soul feels good himself, despite the fact that he is currently serving a six-year prison term in Aiken, S.C., for aggravated assault and failure to stop for police. He has already served two years and has a parole hearing set for Feb. 27.

Last week, in a telephone interview from his work-release job at the Aiken/Barnwell Counties Community Action Commission, he talked about the "real story" of what led to his arrest, his time in jail, future plans and past career—including some memories of performing in Durham.

"I got real sick one time in Durham," said Brown. "I had a touch of heart trouble. I was staying at the Biltmore Hotel across the tracks. A doctor came and gave me digitalis. I took it for 14 years."

Brown and his group, the Famous Flames, played the Chitlin Circuit: armory, high school, ball park and tobacco warehouses in places such as Durham, Kinston and Burlington.

"One of the Famous Flames—Bobby Byrd—Is from Burlington," said Brown, recalling the June German Balls as an annual gig on the circuit. He also remembered playing Dorton Arena in Raleigh—a town mentioned in his song, "Night Train." Brown's career got on track in 1956 with his first hit, "Please, Please, Please." During the past 30 years, he has put 44 singles into the Top 40, including such soul classics as "Night Train," "I Got You (I Feel Good)," "Cold Sweat," "Sex Machine" and "Papa's Got a Brand New Bag." His hits earned him number two on the all-time Pop Charts—after Elvis.

Recordings are one thing. James Brown "live" is another. "No one alive has ever performed like this man," said Dick Clark, in the recent documentary James Brown: The Man, The Music & The Message, which aired last Saturday in the Triangle.

Clark recalled a show in which an English group waited in the wings to follow Brown. "We had to pull them onstage." The group was the Rolling Stones.

"Who wants to follow James Brown?" said Clark.

Most, however, will readily admit to Brown's influence on their music. In the documentary, several paid tribute.

"He's the man who was at the foundation of rock and roll," said Bobby Brown. He taught us how to scoot across the stage."

Michael Jackson's fascination with Brown began at a young age; he did a James Brown song and dance when he auditioned for Berry Gordy, founder of Motown Records.

Little Richard, who met Brown in 1943, reminisced about the early days: "We all wanted to go far, and we didn't even have a

car. We just kept on screaming, we just kept on dreaming."

For his own reasons, Brown would not reveal the date or place of his birth when he talked to the The Herald-Sun last week. Some sources put it in 1928 in Pulaski, Tenn., others in 1933 near Aiken, S.C. When he is released from prison, he will return to his 40-acre spread a mile down a dirt road in Beech Island, S.C., 10 miles from Augusta, Ga., where his third wife, Adrienne, lives.

Their relationship has been stormy. Police have been called to the house numerous times and Brown has been arrested twice for domestic violence. An Aiken sheriff has reported the couple shooting at each other.

"It's like any marriage in the world," Brown said. "You have ups and downs. . . . My wife and I are fine."

Brown grew up poor, dropping out of school in the seventh grade to help his family.

"We were not on welfare, he said. "We were proud of what we had. The Bible says: 'A man should live by the sweat of his brow.'"

Brown delivered groceries, shined shoes, worked on a farm. He also buckdanced for nickles and dimes, earning \$5 a month.

Brown talks about self-determination when he speaks to young people as part of his work-release job at the Aiken/Barnwell Counties Community Action Commission. He's been on the job there since last fall.

"I was offered TV jobs, high-technology jobs," said Brown, of the work-release program. "I wanted to get back in the community, a pet project, where my heart is." As part of his job, he works with children in the Headstart program, with teenagers and the elderly.

"My pet project has always been education. If you know it, you don't have to do it. We try seminar held in an office next to his in Augusta. He reportedly was carrying a shotgun and said: 'Why are you all using my bathroom?'"

Brown claims he was going to his office, noticed it had been broken into, and was on his way to report the break-in to the sheriff's office when police started pursuing his pickup.

"I wasn't fleeing. I was going to see the sheriff," Brown said. "People know me everywhere," he said, listing a string of foreign countries. "Where was I fleeing to?"

A Georgia sheriff pursued him to the South Carolina line, and when Brown didn't stop, South Carolina authorities took up the pursuit.

His defense attorneys said Brown stopped at an intersection, but drove off when he became frightened after deputies broke the window of his pickup.

He was out on bond the next day but was arrested in Augusta again—this time in a Lincoln—and charged with driving under the influence of drugs. Tests showed PCP in his blood. A South Carolina judge sentenced him to a six-year term for failure to stop for police and a Georgia judge gave him a concurrent prison term for charges ranging from carrying a deadly weapon to reckless driving.

"I could have walked away from my incarceration after serving 90 days if I had pleaded guilty," Brown said. "There was never noth-

* This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ing involved but a traffic violation. Unfortunately for me, I didn't have Matlock or Perry Mason."

He's used time in prison to "just relax. I've been on the road for 35 years. I never stopped to take a real rest."

If his time in prison has healed his body, Brown believes his soul is in good shape, too. In the documentary, he said:

"I've still got my faith, still got my dignity, still got my integrity . . . still got my soul."

His belief in education has been reinforced by observing fellow inmates, many of whom never completed high school.

"It's shown me a lot of basic problems in the community. The basic problem is education and love for each other. If you've got God, you've got love. You need a real education. With education, you can become independent instead of dependent."

Being in prison has also given him a chance to get closer to fans—an experience most superstars don't have, Brown said: "He'll see them and be waving and going."

He and some of his "fans" have been singing together in prison.

"We put together our own group [a gospel quartet]. I led some singing groups. Any soul singer, country singer started with gospel. It all goes back to gospel."

"You've got to be proud of this country and proud of yourself," said Brown, who gave a Christmas show at Fort Jackson, S.C. and believes Americans should show support for troops. "I try to live like Kennedy says: 'It's not what your country can do for you, it's what you can do for your country.'"

"I'm a countryman and a statesman. Without a country, you can have no home."

The state of his country frustrates him, though. "People selling drugs to corruption of police officers. . . . I want to clean the music up. The lyrics are terrible. I don't believe what I'm hearing."

After he's released from prison, he said, "I'll probably go to Saudi Arabia, I've already talked to Sen. Strom Thurmond and also the State Department. I'll sing for five generations."

Since his parole is pending he would not mention other concerts. But according to Phillip Jones, of On the Potomac Productions (which produced the TV documentary). "His first concert will probably be in South Carolina."

Brown says his band will include Fred Wesley and others who were with him before he went to prison. He expects his next album to be out in June or July. He says he wrote all of the songs in prison, but would not reveal content or titles. He did say the songs will sound like James Brown, but will be a new universal form of music.

And in his usual, "low-key fashion, Brown added: It'll be dynamite."

MRS. EVELYN A. REEVES ELECTED PRESIDENT OF THE NATIONAL ASSOCIATION OF REAL ESTATE BROKERS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DYMALLY. Mr. Speaker, I am extremely pleased to honor Mrs. Evelyn A. Reeves on her election as the 16th president and CEO of the National Association of Real Estate Bro-

kers. Mrs. Reeves is the first woman to head the organization in its 42-year history.

This proud Californian and accomplished professional is a graduate of California State University in Los Angeles, where she received a bachelor of arts in business administration.

Mr. Speaker, as a testimony to Mrs. Reeves' business acumen, she currently serves as president of the REL-OM Corp., and is the property manager of the First Security Investment Co. Mr. Speaker, in spite of her busy business schedule, Evelyn Reeves consistently finds time to aid in the growth of her community. She serves on the State of California Housing Advisory Board, the mayor's housing task force, and the Los Angeles Southwest College Real Estate Advisory Committee. Mrs. Reeves is an active member of Peoples Independent Church.

Citizens of Los Angeles and the Nation benefit from the outstanding contributions of Mrs. Evelyn A. Reeves. Mrs. Reeves, I urge you to continue your work at your usual high level of sincerity and professionalism.

CONGRATULATIONS TO ALAMEDA FIREFIGHTERS CHARLIE DANIELS, WILLIAM BUELL, AND JAMES RITCHEY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. STARK. Mr. Speaker, I rise today to congratulate three firefighters from the city of Alameda in California's Ninth Congressional District. These three men are being honored at the Alameda Fire Fighters Association 1991 Awards Dinner.

Charles M. Daniels is receiving the Valor Award for a recently performed courageous and heroic deed. While driving off-duty on July 8, 1990, he witnessed an automobile accident. His lifesaving actions resulted in the rescue of a mother and her two sons, ages 5 and 1 years old.

William Robert Buell, Jr., is being honored for this dedicated efforts on behalf of the Firefighters Union. Mr. Buell continuously donates his time and energy to the union and has organized and assisted with the union computer operations.

James N. Ritchey is receiving the Community Service Award for 1991. His off-duty time is taken up with such things as playing Santa Claus for the local homeless shelter, serving as the liaison and organizer for the Park Street Art and Wine Faire and, serving as a trustee for the Jennifer Olson Trust Fund.

Mr. Speaker, I am happy to take this opportunity to recognize these three men, Charles Daniels, William Buell, and James Ritchey for their continued dedication and service to our community. Not only do they risk their lives on the job, but they also unselfishly serve the community when they are off-duty.

IRA FUNDS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation which would remove a disincentive in the tax laws for limited use of IRA funds for the first time purchase of a home. I am pleased to be joined in this effort by my colleagues Mr. SCHULZE from Pennsylvania and Mr. BONIOR from Michigan. The proposal which I am introducing today is similar to measures proposed by President Bush, but with one significant modification: This proposal would permit withdrawals on a penalty-free basis from existing IRA's for first time home purchases by not only the home buyer, but also by their spouse, parent, or grandparent. Since the IRA account balances of older taxpayers, such as parents and grandparents, tend to have a larger account balance than those of younger taxpayers, I believe that this proposal would help reverse the decline of homeownership in this country, especially among the prime home buying ages of 25 to 34 years old. In many cases these individuals are able to support a conventional mortgage, but are simply unable to set aside the needed funds for a down payment. Our Federal housing programs are primarily designed to assist home buyers who do not have an income sufficient to support a conventional mortgage. This proposal is a critical supplement to our current housing policy since it removes a barrier which needlessly restricts the ability of these young individuals and families to assemble the funds for the down payment on their first home.

Under this proposal, a taxpayer, as well as his or her spouse, parent or grandparent would be allowed to withdraw up to \$10,000 collectively to make a first time purchase of a home. While the proposal would exempt withdrawn funds from the 10-percent penalty that is currently imposed under the income tax laws for premature withdrawals, any amounts withdrawn for first time home purchases would be considered taxable income to the IRA account holder. The definition of a qualified first time home buyer would include any taxpayer who did not own an interest in a principal residence for the past 3 years. In addition, the purchase price of a home acquired with withdrawn IRA funds could not exceed 110 percent of the average area purchase price.

There is no question this country faces a critical problem in the area of housing affordability. During the previous decade, we witnessed a steady decline in the Nation's homeownership rate, reversing a 40-year trend of rising homeownership in this country. A particularly disturbing trend is that the largest decrease in homeownership was noticed by those under 25 years of age, and by those between the ages of 25 and 34. The combined homeownership rate of these two age groups declined by roughly 15 percent during the 1980's. Various studies have cited the inability of young people to save enough money for a down payment as the single most compelling problem preventing these individuals from buying a home.

Mr. Speaker, investing IRA funds in a home is a very prudent investment. In addition, use of an IRA account to acquire a residence is totally consistent with the overall retirement purpose that IRA's were intended to serve. While adoption of this measure is not a panacea for curing the Nation's housing affordability epidemic, this legislation does constitute a positive, important first step.

IN HONOR OF DR. WILLIAM F.
"BILL" FITZGERALD ON HIS RE-
TIREMENT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DIXON. Mr. Speaker, I rise today to express my warmest congratulations to William F. "Bill" Fitzgerald on an outstanding career in education and community service. He retires this year after 23 years on the faculty of Loyola Marymount University, his alma mater, in the department of political science.

Born November 22, 1924 in Chicago, IL, Bill Fitzgerald graduated from Herbert Hoover High School in Glendale, CA, and attended Glendale City College prior to earning his bachelor of science degree in political science from Loyola Marymount University in 1948. Fitzgerald next attended graduate school at the University of California at Los Angeles from 1949 to 1950. Four years later, he was awarded the Ph.D. degree from Georgetown University, in political science.

Throughout his career, Bill has been outspoken on issues of human rights, both domestic and international. Bill has served on the Los Angeles County Human Relations Board, the Los Angeles Urban League, the commission on human relations, and the police community relations workshop. For 20 years, he was director of the Loyola Human Relations Workshop.

An organizing member of the California task force for integration in education, Bill has represented Loyola Marymount on faculty concerned about human rights in El Salvador. He was a consultant and lecturer for the human relations commission of Los Angeles County and social welfare conferences in California and nationwide. He is also a founding member of the Catholic Human Relations Council.

In addition, Bill served as director of the California Museum of Science and Industry and as executive secretary of the California Museum Foundation for 5 years. He has taught at Fordham University, Marquette University, the University of California at Los Angeles, Los Angeles State University College, and Mount Saint Mary's College in Maryland, and he has lectured before numerous community organizations and corporations in and beyond California.

Bill is a member of several professional associations and boards including the Southern California Political Science Association, the Western Political Science Association and the American Political Science Association and the board of trustees of Immaculate Heart College in Los Angeles.

Throughout his lengthy teaching career, and beginning well before the mass civil rights

movement of the 1960's inspired widespread optimism, Bill evinced a firm faith in the ability of the American system of government to right past wrongs and to accommodate positive and lasting change with respect to discrimination in employment, housing, and education.

In addition to raising his own voice, Bill has been supportive of students speaking out on issues ranging from support for farm workers, United States involvement in Central America, sanctions against apartheid, the drug war, the Iran-Contra scandal, and Vietnam. Bill has touched and inspired the lives of thousands of students who have adopted his commitment to fairness and given life to it as teachers, lawyers, judges, elected officials, and in any number of other professions.

Bill Fitzgerald stands as a shining example of what is great about our Nation's educational system. On the occasion of his well-deserved retirement, I invite you to join me, Mr. Speaker, in wishing for Bill, his wife, Martha, and his 11 children good health and good times in the years ahead.

THE STUDENT LOAN DEFAULT PREVENTION ACT OF 1991

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the Student Loan Default Prevention Act of 1991. This bill is meant to confront the urgent problem of defaults on student loans that rob the federally guaranteed Student Loan Program of available funds that could be used to help pay for the higher education of many deserving students.

We in Congress must take immediate action to stem the flow of the billions of dollars now required to guarantee these student loans. The statistics are startling. Estimates place the cost of paying for defaulted loans at \$2.4 billion for fiscal 1990. This figure is equal to 40 percent of total program outlays.

The bill that is introduced today attacks the default problem on several fronts. It was drafted with the belief that a solution to the default situation will require greater responsibility on the part of everyone involved—students, schools, lenders and guarantee agencies—to ensure that these loans are repaid.

Since estimates show that learning institutions with high rates of default—rates of 20 percent or more—are responsible for nearly half of all student loan defaults, my bill places its major emphasis on making these institutions more accountable to the guaranteed loan system. Institutions defined as having a high rate of default will not receive disbursement of Federal funds sooner than 30 days after the beginning of the school term. In addition, disbursement of the loan will be made in at least two installments to coincide with the beginning of each term of study. These provisions are necessary because the majority of defaults are attributable to students that drop out during the first term of their first year of school.

My bill will also place more responsibility on lending institutions and guarantee agencies by modifying the 100-percent Federal guarantee

provisions of the Higher Education Act of 1965. I do not advocate the elimination of the 100-percent guarantee, but I believe that lending institutions should share the risk incurred when making loans to those enrolling in high default rate schools. My bill provides that the Federal guarantee will be reduced to 95 percent when a lender under this act has one-third or more of its outstanding student loan principal during any consecutive 2-year period with students attending high default rate schools. This is a reasonable approach to encourage lenders to more actively evaluate the risk potential of student loans, while taking into consideration the voluntary nature of their participation in the program and the slim profit margins and high overhead involved with making student loans.

Finally, the Student Loan Default Prevention Act of 1991 places limitations on the recruitment activity and false advertising pursued by some unscrupulous schools. The bill contains several provisions to prevent schools from taking advantage of potential students and to strengthen the accrediting standards and procedures for career training schools.

I urge my colleagues to join me in seeing that we move swiftly to stop the hemorrhaging of our Student Loan Program. We must take every measure to ensure that scarce Federal student aid resources are made available to as many of our deserving and aspiring students as possible.

NEW YORK TIMES EDITORIAL SUP- PORTS PUERTO RICO PLEBI- SCITE

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. FUSTER. Mr. Speaker, I again want to point out to my colleagues in both the House and Senate an important national issue which we in both Chambers will no doubt be called upon to consider again this year. It is the matter of a congressionally sanctioned political status plebiscite in Puerto Rico which would be held late this year between the choices of statehood, independence, and an enhancement of the existing commonwealth status, which, as you know, I favor.

Many articles, opinion columns and editorials have appeared in the national press about this matter, Mr. Speaker, and Members of Congress in both bodies have also debated the issue at length. Today I want to share with my colleagues some perceptive and trenchant thoughts which appeared as the lead editorial, entitled, "America's Captive Nation," in the New York Times of February 22, 1991:

AMERICA'S CAPTIVE NATION

How perverse it would be if American politicians who upbraid Mikhail Gorbachev for ignoring Lithuania's independence plebiscite were to refuse Puerto Rico the same right of expression. But that's exactly what seems to be happening in the U.S. Senate.

Discovered by Columbus, colonized by Spain, seized as war booty by the United States, Puerto Rico qualifies as the oldest colony in this Hemisphere. Like the Baltic states, it was involuntarily annexed by a big

neighbor. But unlike the Baltics, most Puerto Ricans favor continued association with their distant overlords, as 51st state or as a partly autonomous commonwealth.

In a world boiling with ethnic discord, Puerto Rico is enviably free of rage and persistent violence. Yet Puerto Ricans are justly furious at Washington's unwillingness to provide a free and fair referendum this year in which Puerto Ricans could finally determine whether to seek statehood, choose continued commonwealth autonomy or, as a minority wishes, become independent.

If there is to be a plebiscite in 1991, Congress must act by early July. Chairman J. Bennett Johnston of the Senate Energy Committee, vowing to meet that deadline, has already held hearings on legislation that would carefully define the choices. This is very different from a House bill that simply lists the options, without elaboration, inviting angry misunderstandings.

But Mr. Johnston's draft bill may well be killed by lawmakers who like self-determination—in the Baltics. After all, says Don Nickles, an Oklahoma Republican, Puerto Ricans might not "blend" with the U.S. if they chose statehood. Exactly, says Wendell Ford, a Kentucky Democrat, who describes Puerto Rico as that sinister thing, a "separate culture." Malcolm Wallop, Republican of Wyoming, is all for letting Puerto Ricans hold a referendum as long as Congress can ignore the results.

These are wounding arguments. Cultural, ethnic and religious differences were once cited by bigots who opposed statehood for Hawaii, New Mexico, Utah and Oklahoma. Nobody spoke of a "separate culture" when Puerto Ricans were drafted to fight in past wars. Nobody says the 15,000 Puerto Ricans serving in the Persian Gulf now do not "blend in."

Finally, it verges on the dishonorable to invite Puerto Ricans to hold a referendum without assurance that Congress will heed the results—especially so when the invitation comes from Mr. Wallop, whose President and party favor statehood. Every President starting with Eisenhower has affirmed Puerto Rico's right to choose. That commitment was repeated time and again in the U.N. New York's Senator Daniel P. Moynihan recalls that it was once his job as U.S. envoy to ridicule Fidel Castro's claim that Americans would never allow Puerto Ricans freedom of choice.

Charting Puerto Rico's future will require hard legislative work and much good will. But Puerto Ricans did not ask to be annexed. They were compelled to become part of the U.S. by a process far less brutal but very like the Soviet absorption of the Baltics. It is both honorable and politically wise to permit this captive nation to decide its status freely, fairly—and promptly.

IT'S TIME TO SALUTE THE HAMMER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to a great Californian, who is well on his way to becoming one of the most successful entertainers in the world. M.C. Hammer has brought rap music and the urban beat into the homes of millions of Americans.

With the help of dazzling videos that show off his mind-boggling dance steps, his "Please Hammer Don't Hurt Em," album topped every other LP in sales last year. Hammer and his crew of at least 30 other entertainers, last year, began a 250-concert world tour which included stops in the United States, Europe, Japan, Australia, and the Caribbean.

This native of Oakland, CA, or "Oaktown" has gained the respect of the music industry through numerous awards including five 1991 American Music Awards for Favorite Rap Artist; Favorite Soul/R&B Single for "U Can't Touch This"; Favorite Rap Album and Favorite Soul/R&B Male Artist. Hammer also received five Grammy nominations this year, one of the most prestigious awards in the music industry.

In addition to his musical success, the Hammer is also heralded as an astute businessman. Hammer took an original \$20,000 investment by two members of the Oakland A's baseball team and formed his own label, "Bust It" records. The resulting album "Feel My Power," sold more than 60,000 copies. Recently, Hammer and his Oakland-based record company signed a multimillion dollar deal with Capitol Records, with plans for Hammer to produce albums for 10 new groups.

The story of Hammer's rise to stardom is truly a rags to riches tale. Born Stanley Kirk Burrell, he spent his early years in Oakland, living in a 3-bedroom Government-subsidized apartment with his mother, father, and six siblings. Hammer always displayed a talent for mastering difficult dance moves. One day while emulating his idol, James Brown, outside the Oakland coliseum he attracted the attention of the baseball team's owner, Charlie Finley. Finley was amused by the young Hammer's style. He made Hammer the team's batboy and allowed him to travel with the A's and to hang out with the players.

Although Hammer knew at an early age that he was talented as well as a good businessman, he was forced to make a decision about his future direction after an unsuccessful attempt at obtaining a bachelors degree in communications. Like so many of his friends, Hammer knew he could easily use his skills to make thousands of dollars overnight in the illegal drug trade. Instead, he took a different path by joining the Navy. After 3 years of service he came back to his hometown and started setting up his musical enterprise that has turned the world of rap music upside down and made him a household name.

Hammer's stage show is filled with nonstop singing, dancing, jamming, and excitement. The audience is pulled into the groove and it doesn't stop until all are exhausted. The success of the road show, is partly due to the 30 or so members of Hammer's posse that keep up with every move devised by the master. To Hammer, however, his dancers are more than employees. He says he feels a real responsibility to make sure the group, especially the younger members, don't get caught up in the trappings of success. Hammer runs a tight ship, enforcing curfews for his dancers and even encouraging them to share living quarters back in Oakland. Hammer even offers to pick up many of their household expenses.

With so many accomplishments under his belt, this 27-year-old rapper could easily be tempted to ride the crest of his fame. Ham-

mer, however, says he's still working just as hard today as he did back when he was riding 14 guys around in a van from gig to gig.

Future projects include plans to make a long form video, which include five tracks from his latest album. "Here Comes the Hammer" and "Yo! Sweetness" are presented in ensemble dance production numbers, and several of Bust It's new recording artists are featured in the video as well. Other plans include a fall tour possibly sponsored by MTV and an action-comedy film called "Pressure." The storyline will follow Hammer as he returns home to Oakland, and confronts the local drug dealer, who has put the lives of the community's children in danger.

I salute M.C. Hammer and Oaktown for nurturing his talent as well as many of today's popular recording artists, including: Too Short, Oaktown 3-5-7, Tony, Toni, Tone and En Vogue.

HONORING HENRY OSSIAN FLIPPER

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DYMALLY. Mr. Speaker, I rise to bring attention to an outstanding American, Henry Ossian Flipper. Henry Flipper was born into slavery, but managed to overcome this devastating hardship to become the first African-American to graduate from the U.S. Military Academy at West Point. As a second lieutenant in the all Negro 10th Cavalry Regiment, Lieutenant Flipper was a surveyor and construction supervisor.

After his honorable discharge in 1882, Flipper was subsequently employed by the Department of the Interior. He was responsible for the location, construction, and operation of Alaskan railroads.

Mr. Speaker, because of Henry Flipper's triumph over the extreme disadvantages of slavery and racism and his outstanding engineering accomplishment, I am introducing a joint resolution that provides for the Postmaster General to issue a commemorative stamp in honor of Henry Ossian Flipper. I urge my colleagues to join me in honoring a true American success story.

SUPPORT H.R. 830, THE NUCLEAR NON-PROLIFERATION ENFORCEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. STARK. Mr. Speaker, I recently introduced the Nuclear Non-Proliferation Enforcement Act (H.R. 830). This legislation would impose import sanctions on foreign firms furthering the spread of nuclear weapons. Any foreign company that sells—without requiring proper safeguards—equipment, materials, or technology used in the manufacturing of nuclear weapons will have its goods barred from entering the United States.

I wish it hadn't come to this. I wish there were a quieter, less confrontational way we could accomplish the same goals. But we've tried the quiet approach for a long time and we can see the dismal results. Over the last two decades India, Pakistan, Israel, South Africa, Brazil, and Argentina have all used the assistance of Western companies to develop advanced nuclear weapons programs.

Most of these countries now have the capability to build the bomb and several have assembled arsenals. These developments raise a host of frightening scenarios, such as regional nuclear wars in the Middle East or Sub-Continent, terrorists threatening entire cities through nuclear blackmail. As more countries acquire the bomb, more nuclear suppliers will emerge, and we'll have even less means to control them.

For example, General Zia-ul-Haq, former President of Pakistan, speaking in an interview in 1986 had this to say about his country's nuclear weapons program: "It is our right to obtain the technology. And when we acquire this technology, the entire Islamic World will possess it with us." If this doesn't scare you, then I don't know what will.

Which leads us to the most terrifying scenario of all—Saddam Hussein armed with nuclear weapons. With Operation Desert Storm we've dealt Baghdad a significant setback to its atomic weapons program. But Iraq could resume its efforts, just as it did after the Israeli raid on the Osiraq nuclear reactor in 1981. Additionally, Syria, Iran, and Libya might well follow in Saddam's nuclear footsteps.

Yet for years we ignored Iraq's and other countries' nuclear ambitions, while companies from all over the developed world, but especially Germany, helped these countries build the necessary nuclear facilities. We tried quietly urging our allies to tighten and better enforce their nuclear export controls. The results are best described in an article that appeared last August in the German newsweekly *Der Spiegel*:

Far more than a thousand times the Americans have briefed the German services and high-ranking Bonn ministry officials about sensitive arms deals with the Middle East, the Far East, and South America over the past six years. . . . Not much has been done as a consequence. Many of the written warnings, which have been declared so-called nonpapers in Bonn, immediately ended up in the trash can.

Since that time Germans have talked much of new and better enforced export regulations. And yet, as late as last fall dozens of German firms were violating the Iraq embargo. Again, despite our quiet protestations, Bonn stood by while the sanctions were critically weakened and war became a more likely possibility. It was only when allegations against German companies surfaced in the media that the German Government started to take any action against the embargo cheaters. But we are less concerned about seeing export violators punished than in having the violations prevented in the first place.

My legislation will help send a strong consistent message to our allies that if they cannot or will not control their exporters, then the United States will step in and do the job for them. H.R. 830 is the product of months of work after consultation with leading experts in

the nuclear nonproliferation field as well as scholars in international law. This is a workable approach which, I strongly believe, will create strong incentives for both foreign companies and foreign governments to get their acts together. Governments will wish to avoid the embarrassment of having their companies publicly and visibly named as assisting nuclear proliferation. Firms, especially large multinational conglomerates such as Daimler-Benz, will have strong incentives to more closely monitor the dealing of their many subsidiaries when confronted with the prospect of losing access to the world's richest single market.

This approach is not really extraterritorial. If the country concerned has effective measures to prevent proliferation and has imposed the appropriate penalties on the company concerned, then sanctions would not be imposed. Our allies have made an internationally binding commitment to prevent nuclear proliferation. It's only when they fail to carry through on this commitment that the sanctions would occur. No export controls will be perfectly leak-proof: We just expect our allies to make a good-faith effort. Further, the companies named as violators will have an opportunity to present their case, as they may appeal the President's decision to the U.S. Court of International Trade.

Nor would this legislation violate U.S. obligations under the General Agreement on Tariffs and Trade [GATT]. Article 21 of GATT contains a very clear exception for cases of this kind. The article reads in part:

Nothing in this agreement shall be construed . . .

(b) to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests

(i) relating to fissionable materials or the materials from which they are derived;

(ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment.

The violations that would trigger the sanctions are also very specifically defined in the bill. A company commits a violation if it (A) sells nuclear items without getting the safeguard guarantees mandated by U.S. law, (B) retransfers nuclear items exported from the United States without U.S. permission, (C) sells nuclear items to countries which do not have international safeguards on all of their nuclear facilities, such as India and Pakistan, or (D) sells certain nuclear dual-use technology to a controlled country. A controlled country is one which is not party to the Nuclear Non-Proliferation Treaty, has violated an agreement made with the International Atomic Energy Agency, has made efforts to build nuclear weapons clandestinely, or has repeatedly provided support for international terrorism.

If these guidelines are carefully adhered to by the major international nuclear suppliers, we can significantly slow the spread of nuclear weapons. If not, further nuclear proliferation is only a matter of time.

This legislation, while strict and specific on what triggers the sanctions, provides maximum flexibility for the President to administer them. The administration will determine when

violations have taken place and how long the import ban should occur, though it must be imposed for at least 2 years. The President may waive the sanction altogether, if he deems such a step essential for U.S. national security, but he must notify Congress 20 days in advance and provide the rationale for doing so.

On the other hand, the legislation would not bar the importation of defense articles, spare parts, maintenance services, or component parts, in cases in which no reasonable alternative is available. We don't wish to put our own economic or national security at risk.

Finally, the legislation includes a "privatization" clause to take advantage of the many fine people working in the nuclear nonproliferation field outside of government. Any person may petition the government to investigate a foreign company for its involvement in nuclear proliferation. They would have to show significant probable cause and it would then be up to the administration to decide whether to pursue the case. This section is modeled closely on similar petition clauses in several U.S. trade laws.

This legislation is specific, flexible, just, and effective. And, it has ample precedent. H.R. 830 very closely parallels—almost word for word at points—the missile technology sanctions passed in the Defense bill last fall. If the President could sign that legislation, he should find this bill acceptable as well. The only losers in this legislation are the proliferation profiteers and weak-kneed governments which refuse to stand up to them.

Mr. Speaker, the advanced industrial countries have, at this point in history, a choice of how best to pursue nuclear nonproliferation. We can either apply strict export controls on nuclear items as a preventative measure or periodically take military action on the scale of Operation Desert Storm. I think most would prefer to take the former approach.

The following is the full text of H.R. 830.

H.R. 830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Non-Proliferation Enforcement Act of 1991".

SEC. 2. IMPOSITION OF SANCTION.

(a) BASIS FOR SANCTION.—The President shall impose the sanction set forth in subsection (c) on a foreign person if the President determines that such foreign person knowingly—

(1)(A) exports, transfers, or is otherwise engaged in the trade of any nuclear materials and equipment or nuclear technology—

(i) which violates paragraph (4) of section 127 of the Atomic Energy Act of 1954 (42 U.S.C. 2156(4));

(ii) which fails to meet all the criteria set forth in section 127 of the Atomic Energy Act of 1954, except that for purposes of this clause references in paragraphs (4) and (5) of such section to the United States shall be deemed to refer to the exporting country; or

(iii) to any non-nuclear-weapon state that does not meet the requirements of non-nuclear-weapon states that are set forth in section 104(d) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3223(d)); or

(B) has knowingly or materially contributed—

(i) through the export, transfer, or other engagement in the trade of any goods or technology that are subject to the jurisdiction of the United States and controlled under the Export Administration Act of 1979 pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, because of their significance for nuclear explosive purposes, or

(ii) through the export, transfer, or other engagement in the trade of any goods or technology that would be, if they were subject to the jurisdiction of the United States, controlled under the Export Administration Act of 1979 pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, because of their significance for nuclear explosive purposes,

to the efforts by any foreign country described in subsection (b) to use, develop, produce, stockpile, or otherwise acquire nuclear weapons; or

(2) conspires or attempts to engage in or knowingly assists in an export, or in a transfer or trade, described in paragraph (1).

(b) COUNTRIES RECEIVING ASSISTANCE.—The countries referred to in subsection (a)(1)(B) are—

(1) any non-nuclear-weapon state that the President determines has, at any time after January 1, 1980—

- (A) used a nuclear weapon;
- (B) tested a nuclear weapon;
- (C) produced a nuclear weapon; or
- (D) made substantial preparations to engage in any activity described in subparagraph (A), (B), or (C);

(2) any foreign country which has not ratified the Treaty on the Non-Proliferation of Nuclear Weapons and concluded an agreement with the International Atomic Energy Agency for the application of International Atomic Energy Agency safeguards on all the country's nuclear facilities;

(3) any foreign country which has violated such an agreement with the International Atomic Energy Agency relating to safeguards; and

(4) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 to be a government that has repeatedly provided support for international terrorism.

(c) SANCTION.—The sanction which applies to a foreign person under subsection (a) is that the President shall prohibit, for a period of at least 2 years, the entry into the customs territory of the United States of any article that is the growth, product, or manufacture of that foreign person.

(d) EXPANSION OF SANCTION TO OTHER ENTITIES.—The President shall impose the sanction imposed on a foreign person under this section on any other entity that controls, is controlled by, or is under common control with, that foreign person.

SEC. 3. ANNUAL DETERMINATIONS BY THE PRESIDENT; APPEAL OF DETERMINATIONS.

(a) DETERMINATIONS.—The President shall, at least once each year, determine which, if any, foreign persons have carried out acts described in paragraphs (1) and (2) of section 2(a). The President shall publish all such determinations in the Federal Register. The President shall impose the sanction required by section 2 upon making such determination.

(b) APPEALS.—Any person who the President determines has carried out any act described in paragraph (1) or (2) of section 2(a), may obtain review of the determination by filing an appeal, within 60 days after the determination is published in the Federal Reg-

ister, in the United States Court of International Trade, which shall have jurisdiction to review such determination.

SEC. 4. EFFECT OF ENFORCEMENT ACTIONS BY OTHER COUNTRIES.

The sanction set forth in section 2 may not be imposed under such section on a foreign person with respect to acts described in paragraph (1) or (2) of section 2(a), and any such sanction that is in effect against a foreign person on account of such acts shall be terminated, if—

(1) the country from which the export, transfer, or other act originates has in effect laws restricting the export, transfer, or other activity in a manner substantially similar to the restrictions imposed by United States laws or regulations on such exports, transfers, or other acts,

(2) the foreign person is subject to those laws, and

(3) the country has imposed on that foreign person the appropriate penalties pursuant to those laws.

SEC. 5. ADVISORY OPINIONS.

The President may, upon the request of any person, issue an advisory opinion to that person of whether a proposed activity by that person would subject that person to the sanction under section 2. Any person who relies in good faith on such advisory opinion which states that the proposed activity would not subject a person to such sanction, and any person who thereafter engages in such activity, may not be made subject to such sanction on account of such activity.

SEC. 6. WAIVER AND REPORT TO CONGRESS.

(a) WAIVER.—In any case other than one in which an advisory opinion has been issued under section 5 stating that a proposed activity would not subject a person to the sanction under section 2, the President may waive the application of section 2 to a foreign person if the President determines that such waiver is essential to the national security of the United States.

(b) REPORT TO CONGRESS.—In the event that the President decides to apply the waiver described in subsection (a), the President shall so notify the Congress not less than 20 working days before issuing the waiver. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver.

SEC. 7. ADDITIONAL WAIVER.

The President may waive the imposition of the sanction under section 2 on a person with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States; and

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

SEC. 8. EXCEPTIONS.

The President shall not apply the sanction under section 2—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(B) if the President determines that the person to which the sanction would be applied is a sole source supplier of the defense articles and services, that the defense articles or services are essential to the national

security of the United States, and that alternative sources are not readily or reasonably available; or

(C) if the President determines that such articles or services are essential to the national security of the United States under defense coproduction agreements or NATO Programs of Cooperation;

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction; or

(3) to—

(A) spare parts,

(B) component parts, but not finished products, essential to United States products or production,

(C) routine services and maintenance of products, to the extent that alternative sources are not readily or reasonably available, or

(D) information and technology essential to United States products or production.

SEC. 9. PETITIONS BY INTERESTED PERSONS.

(a) FILING OF PETITIONS.—Any United States person may file a petition, in accordance with regulations issued by the President, requesting that an investigation be conducted to determine whether sanctions are warranted under section 2.

(b) ACTIONS ON PETITIONS.—The President shall conduct an investigation pursuant to a petition filed under subsection (a) if, on the basis of facts set forth in the petition, the President determines that there is a reasonable basis to believe that a foreign person has engaged in any act described in paragraph (1) or (2), of section 2(a).

(c) PETITION DETERMINATIONS.—The President shall, within 20 days after receiving a petition under subsection (a), determine whether to conduct an investigation pursuant to the petition, notify the petitioner of the determination, and publish the determination in the Federal Register, together with the reasons for the determination.

(d) APPEALS.—A person filing a petition under subsection (a) may appeal a determination of the President on the petition by bringing an action for review of the determination in an appropriate United States district court. The court shall review the determination in accordance with section 706 of title 5, United States Code.

SEC. 10. DEFINITIONS.

As used in this Act—

(1) the term "non-nuclear-weapon state" means a non-nuclear-weapon state within the meaning of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, D.C., London, and Moscow on July 1, 1968;

(2) the term "nuclear materials and equipment" has the meaning given that term in section 4(4) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3203(4));

(3) the term "nuclear technology" means sensitive nuclear technology (as that term is defined in section 4(6) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3203(6))) and Restricted Data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)));

(4) the term "foreign person" means any person other than a United States person;

(5) the term "United States person" has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

(6) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization,

or group, and any governmental entity, and any successor of any such entity; and

(7) the terms "otherwise engaged in the trade of" and "other engagement in the trade of" mean, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

SEC. 11. REGULATORY AUTHORITY.

The President may issue such regulations and orders as are necessary to carry out this Act.

TRADING PARTNERS SHOULD BE HELD ACCOUNTABLE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation which provides for the timely and effective review of the extent to which foreign countries are complying with bilateral trade agreements with the United States. I am pleased that my colleagues, LES AU COIN, NANCY JOHNSON, and DICK SCHULZE have agreed to be original cosponsors of this legislation.

Chapter I of title III of the Trade Act of 1974, as amended in 1988, includes a provision that gives the U.S. Trade Representative discretionary authority to monitor implementation of each trade agreement entered into by the United States. Under this existing provision—section 306—if the Trade Representative exerts this discretionary authority, conducts a review, and concludes that a foreign country is not satisfactorily implementing a trade agreement, the Trade Representative is required to determine what further action will be taken under the authority granted under section 301 of the act.

Unfortunately, the current review process simply does not ensure adequate oversight of existing bilateral trade agreements. The review process needs to be opened up, so that our industries, who are directly impacted by these trade agreements, have access to the review process, have the right to petition their Government, and can call attention to wrongdoing on the part of our trading partners. The absence of effective review procedures encourages foreign countries to enter into agreements with the United States and then disregard the commitments which were made.

The legislation which I am introducing today seeks to remedy this problem by amending section 306 of the Trade Act to allow an interested party to request, at certain intervals, a review of any existing bilateral trade agreement. Under the terms of my legislation, an interested party is defined as an individual that has a significant economic interest that has been adversely affected by the failure of a foreign country to comply with the terms of a trade agreement. Upon receipt of a written request for review, the Trade Representative would have 90 days to review whether or not a foreign country was complying with the terms of the appropriate trade agreement. In conducting their review, the Trade Representative is directed to take into account a number

of factors including, among others, structural policies and tariff or nontariff barriers which may have contributed directly or indirectly to noncompliance with the terms of the trade agreement. The Trade Representative is also authorized to consult with the Secretaries of Commerce and Agriculture, with the U.S. International Trade Commission, and to receive public comment. Last, under this legislation, the Trade Representative will continue to have the discretionary authority to conduct reviews of existing trade agreements provided for under section 306.

These modifications will introduce a degree of accountability to our trade laws. The message is simple: if our trading partners agree to certain measures, they should be held accountable if they fail to abide by their commitments. Indeed, this proposition was clearly embodied in the section 301 process enacted by Congress in 1988. By adopting these provisions, Congress explicitly acknowledged that violations of trade agreements are unjustifiable, and are deserving of our attention. The legislation I am introducing today completes the process we formulated in 1988, so that trade agreements will have meaning, that there will be accountability and oversight in the process of implementing these very agreements.

Mr. Speaker, this legislation is designed to ensure that our trading partners do not take advantage of the United States. It does not redefine what foreign trade practices are unfair. Failure to comply with a trade agreement cannot be construed to be a fair trading practice. If we are not interested in exerting oversight of these trade agreements, perhaps we ought to think about taking away the Trade Representative's authority to enter into these agreements. We simply invite our trading partners to mouth the right words, but do nothing to require them to back up these words with specific actions. Such a trade policy does a real disservice to this country, and requires our immediate attention.

TRIBUTE TO THE LATE PHILLIP FLEMING, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DIXON. Mr. Speaker, I rise to pay special tribute to Phillip Fleming, Jr., accountant, business professor, husband, father, friend, and hero. Mr. Phillip Fleming was killed in the USAir SkyWest collision at Los Angeles International Airport on February 1 of this year.

Phillip Fleming will be remembered as a generous and warm family man who always did what he could to aid others. Even when his own life was on the line, he chose to give a helping, lifesaving hand to his neighbor. This time, he made the ultimate sacrifice. Survivors of the fatal crash have praised Mr. Fleming for heroically helping others escape from the wreckage even after fire had begun to spread throughout the airplane.

Born in Natchez, MS, Mr. Fleming moved to Los Angeles 22 years ago, and resided in the Baldwin Hills area of my congressional district.

He earned his MBA from the UCLA graduate school of management and went on to become the lead internal revenue auditor with the Department of Defense Logistic Agency in El Segundo, CA. Mr. Fleming worked not only as a CPA, but also served his community by laboring on behalf of small, black-owned businesses, and by teaching business at night at the Crenshaw Dorsey Community Adult School in the 28th district of California.

Mr. Fleming was actively involved in community activities. He was a member of the First AME Church, Alpha Phi Alpha Fraternity, Inc., Delta Kappa chapter, and the Combined Federal Campaign.

Mr. Speaker, in both his professional career and personal life, Phillip Fleming enriched the lives of many Angelenos. Therefore, I ask my colleagues in the U.S. House of Representatives to join me in extending sincere condolences to his family: His wife Johnetta Dockins Fleming, son Omari, mother Mrs. Jessie Fleming, and his eight brothers and sisters, and a host of Phillip Fleming's colleagues and friends.

STUDENT FINANCIAL AID IMPROVEMENT ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the Student Financial Aid Improvement Act of 1991. This bill is comprised of noncontroversial amendments that were accepted by the Education and Labor Committee previously in 1988 during our discussions of default legislation in the 100th Congress.

The changes made by my bill are in fact the recommendations made to this committee in 1988 by the advisory committee on student financial assistance which, as you may recall, was appointed by Congress to report on recommended changes to the Student Financial Aid Program. Let me stress that these are technical amendments recommended by the advisory committee and previously accepted by the Education and Labor Committee, but were never passed into law because the default legislation we were then considering was tabled.

My Student Aid Improvement Act addresses the following problems:

First, my bill addresses the inequity of double counting of student income in the asset computation of the formula. As you know, the congressional methodology assumes that a student should be required to contribute something to cover the costs of a higher education. This is as it should be. However, congressional methodology not only takes into account what a student earns in a given year to pay for college, but also what the student has placed in a savings account. Therefore, the formula currently in use tends to double count prior year earnings that are saved for the coming school year. This creates a disincentive for students to save. My bill will correct this problem by eliminating the counting of cash on hand from the asset calculation except to the extent such cash exceeds the student contribution from discretionary income.

Second, my bill closes a loophole in the definition of independent student. This loophole as it now exists allows students to claim independence after the first 2 years of college simply because they received more than \$4,000 worth of income and student aid during those 2 years. The result of this loophole has been students claiming independent status who are otherwise dependent on the financial resources of their parents. This allows students to receive more aid than they actually need and opens the door for fraud and abuse in a program with scarce resources. My bill will ensure that only those students truly independent of their parents will be considered for higher aid awards.

Third, and most importantly, my bill will exempt the net value of a family's principal residence from the student aid eligibility formula. The reasons for this change are compelling. In my congressional district, as well as in many other metropolitan areas of the country, the booming real estate market of the past decade has made many families increasingly house rich and cash poor. Families are told that they have too much equity in their homes to qualify for Federal student financial aid, yet these same families cannot afford to carry a home equity loan. We should not hold eligibility for loans hostage to rising real estate values.

Congress has become increasingly aware of the shortcomings in the Student Loan Program. Many of my colleagues have experienced constituent complaints that they could not qualify for a student loan and will therefore not be able to attend college. It is my hope that my Student Financial Aid Improvement Act will be incorporated into the Higher Education Act this year when it comes up for reauthorization.

FULL COMMITMENT TO IMPLEMENTATION OF VOTE IN PUERTO RICO URGED

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. FUSTER. Mr. Speaker, on Wednesday, February 27, the committee of jurisdiction in the other body is scheduled to mark up S. 244, which authorizes a political status plebiscite in Puerto Rico between statehood, independence, and an enhancement of the existing commonwealth status, which I favor. A similar bill, which I cosponsored, has been filed in the House again this year; as you know, the 101st Congress enacted plebiscite legislation in the House but not in the Senate.

But, Mr. Speaker, I rise today to vigorously criticize a proposed amendment in S. 244 that the Senate Energy and Natural Resources Committee is scheduled to consider at its markup on Wednesday, February 27. Unfortunately, this amendment would not bind Congress to the results of a plebiscite, pledging instead only a weak sense of Congress offer merely to introduce a bill favoring the winning status choice.

Mr. Speaker, the intention all along of getting Congress involved in the plebiscite process was precisely that in so doing the House

and Senate would thus give a commitment to the people of Puerto Rico that the winning status formula would be implemented. Otherwise, the plebiscite process could degenerate into a mere popularity contest and not a real act of self-determination.

I have conveyed those very thoughts to Chairman BENNETT JOHNSTON and to all members of the Senate Energy Committee. I would like to share those thoughts with my colleagues today in both the House, where we may well be asked to debate the issue again this year, and in the Senate, where a crucial committee markup is scheduled for Wednesday. I am thus making a copy of that letter available here below:

HOUSE OF REPRESENTATIVES,

Washington, DC, February 21, 1991.

Hon. J. BENNETT JOHNSTON,

Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC

DEAR SENATOR JOHNSTON: In January of 1989 when the leaders of the three political parties in Puerto Rico called upon Congress to authorize a federal political status plebiscite, they made it clear that they wanted one in which Congress would honor the results of such a referendum on self-determination between the choices of statehood, independence and an enhancement of the existing commonwealth status.

In their letter of January 17, 1989, which was addressed to the leaders in Congress, the three party presidents said that the plebiscite process should include "the guarantee that the will of the people, once expressed, shall be implemented through an act of Congress . . ." The reasons for such a guarantee are obvious: that without such assurances a plebiscite could degenerate into a mere popularity contest and not a real act of self-determination.

The intention all along of getting Congress involved in the plebiscite process was precisely that in so doing the House and Senate would thus give a commitment to the people of Puerto Rico that the winning status formula would be implemented. Puerto Rico's Legislative Assembly has all the necessary authority locally to provide for a referendum, as it did in 1967, if the purposes were merely to ascertain the people's preference and then to petition Congress for implementation of such a preference. But, precisely because Congress paid no attention to the results of the 1967 plebiscite, the leaders of the three parties in Puerto Rico decided they wanted a Congressionally authorized referendum that carried with it the commitment to honor its results.

Thus, the need for this commitment has been made clear from the very beginning and has been reiterated over and over again by the Puerto Rico leadership. Recently, the governing party in Puerto Rico, the Popular Democratic Party, meeting in Ponce, Puerto Rico, last November, passed a resolution directed to Congress which stated, among other things, that a plebiscite bill must have "adequate guarantees that the Government of the United States will implement the political status democratically selected by the people of Puerto Rico."

Moreover, Governor Rafael Hernandez Colon, testifying on January 30, 1991, before the Senate Energy Committee, emphasized that plebiscite legislation must "meet certain basic criteria," among them "a commitment from Congress to respect the will of the Puerto Rican people, and to implement whatever option is chosen in the referendum." The Governor added that "a mere pop-

ularity contest between the statuses would serve no purpose." In a letter to Senator Bennett Johnston dated February 18, 1991, the Governor again emphatically stated that any attempt at weakening the necessary Congressional commitment to implement the winning option "would seriously compromise the value of this process to Puerto Rico and the United States . . . Absent a commitment to implement the winning formula, federal legislation for a status referendum would be inconsequential and unnecessary."

This year's bill, S.244, as originally drafted by the Senate Energy Committee contained such a commitment. It states, in part, that "Enactment of this section constitutes a commitment by Congress to implement the status receiving a majority" in the plebiscite. Unfortunately, an amendment was tentatively approved at yesterday's mark-up by the Senate Energy Committee withdrawing this commitment in favor of a weak "sense of Congress" offer merely to introduce a bill favoring the winning status choice. This retreat from the original language in the bill would constitute what several Senators characterized yesterday as a "cruel hoax" on the 3.6 million U.S. citizens in Puerto Rico.

If, because of the opposition to statehood, the bill has degenerated into such a sad situation, I for one would rather have no bill at all. I see no purpose in putting detailed status definitions in a referendum bill if such definitions are not at all binding. Such a bill would only mislead the people of Puerto Rico. I fully agree with Governor Hernandez Colon that without a commitment to implement the winning status formula a plebiscite would be inconsequential and unnecessary.

But I sincerely hope that you will work to reinstate the original language of commitment in S.244 as an indispensable part of the bill, a crucial element without which the bill should not be enacted.

Cordially yours,

JAIME B. FUSTER,
Member of Congress.

REESTABLISHING U.S. LEADERSHIP IN THE FLIGHT TO STABILIZE GLOBAL POPULATION

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. KOSTMAYER. Mr. Speaker, today I am joined by the gentlelady from Maryland Mrs. MORELLA and more than 80 of our colleagues, as we introduce H.R. 1110, the International Voluntary Family Planning Assistance Act of 1991. This bill is modeled after H.R. 4075, introduced a year ago. This bill will increase funding for the international population assistance programs of the Agency for International Development to \$570 million. Out of this total, \$100 million would be administered under AID's Development Fund for Africa and \$65 million would be provided to the United Nations Population Fund [UNFPA], thereby restoring U.S. funding to that agency.

Mr. Speaker, the UNFPA is the largest voluntary family planning agency in the world, with programs in some 140 countries. The United States Government terminated all assistance to the UNFPA in 1986 over groundless allegations that it supported coercive

practices within China's family planning program. Nonetheless, our legislation prohibits the use of United States population funds in China and leaves untouched the prohibition against the use of United States funds for abortion or involuntary sterilization anywhere in the world.

Mr. Speaker, it took from the beginning of time until 1830 for the population of the Earth to reach 1 billion people. It took only 100 years, until 1930, for it to reach 2 billion. Thirty years later, in 1960, it reached 3 billion, and then it reached 4 billion in 1975. The population of the Earth has now reached 5½ billion people, and it continues to grow by 1.7 million people a week.

Although it is hard to conceive of the danger, explosive population growth is a root cause of many of our most pressing problems, like global warming, human hunger, deforestation, and soil erosion, maternal and child mortality, and increased poverty in developing nations. We do what we can to address these various problems individually, but in the absence of strong programs to deal with the threat of unbridled population growth, we are engaged in a futile attempt to douse these fires without cutting off the fuel that feeds the flames.

The problem of global warming illustrates this point. With most of the world's population growth occurring in the developing world, global emissions of carbon dioxide are expected to triple over the next 35 years, even if the developed nations stabilize their carbon dioxide emissions at current levels. In the next 20 years alone, the worldwide number of cars is expected to grow from 400 million to 700 million, mostly in the developing world, and that means increased greenhouse gas emissions even with improved technology.

Moreover, in countries like Brazil, Colombia, and Indonesia, population growth is causing global warming in a different way. In these countries, the need for more and more land is leading to devastating levels of deforestation, and it is by virtue of deforestation that these countries have become one of the highest contributors of atmospheric carbon per year. Brazil, for example, contributes approximately 336 million tons of carbon each year through deforestation, over 6 times as much as through its combustion of fossil fuels.

Common sense shows us the relationship between population growth and hunger. In Africa, the population is growing by more than 3 percent annually, while the continent's food supply increases by only 1 percent per year. Put more starkly, that means that each year more Africans will starve. It is tragic that the famines that we see on our television screens are being built into the demographic structure of the entire continent.

Dramatically increasing population demands on the environment are converting cropland to desert and destroying arable land. Wood, the continent's primary cooking fuel, is being stripped from the land faster than it is planted; 29 trees are cut down for each that is planted. Can we be so surprised that in 1900, 40 percent of Ethiopia was covered by trees and brush? Now less than 4 percent has forest cover. In Addis Ababa, the cost of firewood consumes about 20 percent of the average household income. Between 1850 and 1980,

Africa lost 60 percent of its forest cover and the pace of decertification is escalating. According to World Bank, households in Gambia and Tanzania must devote between 250 and 300 working days each year simply to finding and collecting the wood they need for fuel.

Mr. Speaker, we hear a lot about how technology and economic growth are going to solve our problems and that population growth itself is benign. But, we have gotten too sophisticated to accept the technology panacea, even if we were to assume that those who need access to new technology the most, the people in the poorest of nations, would be able to afford it. As far as economic growth is concerned, it is per capita economic growth that matters. Per capita poverty increases when economic growth rates lag behind population growth rates, a phenomenon that has been all too common in the Central American countries of Belize, Costa Rica, Guatemala, and Honduras. Moreover, we have not yet determined the precise means of assuring the development of saving technology or of bringing about sustainable economic growth in developing nations, but we have developed tried and true methods to reduce population growth in the Third World based on the desire of women and men to limit their own fertility.

There is a way out of the population box. The fact is that half of the women in this world did not want their last child, and would choose to limit their fertility if given the means to do so. But we must act now to give women and men a choice. At the International Forum on Population in the 21st Century, held in Amsterdam, the Netherlands, in November 1989, over half of the world's nations, and over 80 multilateral, intergovernmental, nongovernmental, and educational institutions set forth an agenda to provide for universal voluntary access to family planning—for each and every woman and man—by the year 2000. This ambitious but essential goal will allow us to stabilize world population at a level that is still double what it is today. But unless we take ambitious steps, world population could triple by the end of the next century.

The bill that we are introducing today provides a vehicle for the restoration of U.S. leadership in the area of international family planning. It is a bill that takes seriously the global population threat to sustainable life on this Earth, and provides a means for the United States to provide its share to this effort. Finally, it is a bill that recognizes that population and associated humanitarian goals can be achieved through the realization of universal voluntary family planning services for every man and woman on this Earth.

We must accomplish these goals with all deliberate speed.

SUPPORT INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mrs. MORELLA. Mr. Speaker, 500 million women want and need family planning, but

lack either education, information, or the means to obtain it. Today, Congressman KOSTMAYER and I, along with 72 other original cosponsors, are introducing legislation that is aimed at ensuring that the United States does its share in helping them to control their own lives.

Many of the 42,000 infants who die daily are victims because their mothers are not allowing appropriate intervals between pregnancies. Fifteen hundred women die every day from complications of pregnancy and abortion—many of which could have been prevented by family planning.

It is imperative that the United States once again become a full and active partner with the United Nations in the vital efforts to assure couples of the basic human right to determine how many children they will have and when they will have them.

The 1991 International Voluntary Family Planning Assistance Act is important legislation because it significantly increases our commitment to universal access to family planning. Such a commitment is needed in order to curtail global poverty, illiteracy, environmental degradation, unemployment and civil unrest. Slowing population growth may not be a panacea for all world problems, but there can be no question that many of these problems are inexorably linked to rapid population growth.

I urge all of my colleagues who are concerned about the quality of life of future generations to vote for this bill. It is a vote that will go a long way toward determining the condition of the world that our children and grandchildren will inherit from us.

INTRODUCTION OF THE INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT OF 1991

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. FEIGHAN. Mr. Speaker, today I am proud to join my colleagues, Mr. KOSTMAYER and Mrs. MORELLA, as an original cosponsor of their International Voluntary Family Planning Assistance Act of 1991. The problem of high birth rates in lesser developed countries is the major reason so many of them are unable to break the chains of poverty. Many countries have seen increasing rates of economic growth wiped out by even faster increasing population growth. Such trends foretell of misery in the future.

It is our duty to help to educate the people of these countries on the safe and sound methods of birth control which we in the developed world have taken for granted for decades. The \$570 million that this bill would authorize for international family planning assistance is a very small price to pay to help alleviate the problem of overpopulation—the major reason why so many people go hungry in most of the world.

This bill addresses the concerns of many in regard to the crimes of forced abortions and sterilizations. It prohibits the use of U.S. funds for abortion or involuntary sterilization any-

where in the world. Funding to the People's Republic of China is prohibited altogether.

It is time that the U.S. Congress take this positive and relatively inexpensive step towards alleviating misery in the lesser developed world. I urge all my colleagues to support the International Voluntary Family Planning Assistance Act of 1991.

INTERNATIONAL VOLUNTARY FAMILY PLANNING ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. BOEHLERT. Mr. Speaker, the world's population is growing at an unprecedented rate. By 2025, it is expected to rise to between 8 and 10 billion and to reach 14½ billion by 2070. This will put a tremendous strain on the world's resources and will clearly worsen the world's over population problems.

The International Voluntary Family Planning Act will increase funding for the international population assistance programs of the Agency for International Development.

Greater international support should be given to population programs, with a goal of making family planning services universally available to every individual who wants them. Now is the time for the United States to resume its commitment to the largest voluntary family planning agency in the world—UNFPA.

INTERNATIONAL VOLUNTARY FAMILY PLANNING ACT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DURBIN. Mr. Speaker, the world's population is growing faster today than it ever has before. Every year 94 million more people inhabit our planet, and nearly 80 million of them are being born into the impoverished and already overcrowded nations of the Third World. This population growth has implications not only for the countries that must immediately accommodate the new births, however, because in the end we must all accommodate them. The economic, environmental, sociological, and political implications of this runaway growth are only too plain, and the United States can no longer afford to substitute moral sermons for the hard work of doing something to solve the problem.

The International Voluntary Family Planning Assistance Act of 1991 is a very promising step in the right direction. The United States must rejoin the rest of its allies around the world in helping to provide couples in the developing world with the knowledge and materials they need to plan their families. I support this essential legislation.

THE 1991 INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. ROYBAL. Mr. Speaker, the 1991 International Voluntary Family Planning Assistance Act basically accomplishes two goals.

The first goal is to bring U.S. expenditures for population support for the developing world to a more realistic and meaningful level.

The second goal is to resume U.S. participation in the efforts of the United Nations Population Fund.

Both goals are critically important. The United States provided nearly \$290 million for overseas population activities 5 years ago. The administration is requesting only \$228 million for these activities in fiscal year 1992. This would be understandable if the problem of rapid population growth was showing signs of easing up, but that is not the case. On the contrary, the world is growing by an unprecedented 92 million people a year. The United Nations has revised its projections for the medium level at which global population will stabilize to 11 million rather than the 10 million it had projected only a year earlier. We must retrench, not retreat.

The United States must resume its contributions to the U.N. Population Fund. To do otherwise simply does not make sense. The United States cut off its contributions to UNFPA 5 years ago because it supported a national program accused of encouraging forced abortion. But UNFPA was never accused of supporting abortion anywhere—voluntary or coercive.

The best defense against abortion is voluntary family planning and the best chance for achieving universal voluntary family planning is through a resumption of the strong cooperation the U.S. Government and UNFPA have extended to one another over the years.

THE INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. WOLPE. Mr. Speaker, I rise in strong support for the International Voluntary Family Planning Assistance Act of 1991.

This bill seeks both to renew U.S. support of the United Nations Population Fund [UNFPA] and to provide a higher level of funding for the Agency for International Development's population programs. I can think of no more effective use of our important foreign aid resources.

Mr. Speaker, the world's population is growing at an alarming rate. In 40 years it will more than double. Ninety percent of that growth will occur in the poorest nations of the world, those already swamped by a host of social, economic, and environmental ills.

Africa is the world's fastest growing continent—its current population of 662 million is

projected to double in only 24 years. In an article entitled "Uganda's Women: Children, Drudgery, and Pain" which appeared in last Sunday's New York Times, reporter Jane Perlez writes about Safuyati Kawuda, a 28-year-old woman who lives with her five children in the rural farming village of Namutumba. Her husband, who has 2 other wives and a total of 13 children, lives in the city. Ms. Perlez writes:

Mrs. Kawuda said she wanted one more child, in the hopes of its being another boy. After that, she said, she would use an injectable form of contraceptive. It is a method popular among African rural women because it can be used without their husband's knowledge. But in reality, contraception was an abstraction to Mrs. Kawuda since she had no idea where to get it. She had never heard of condoms.

We must help the Safuyati Kawudas of the world. This legislation can help do just that.

Mr. Speaker, I urge strong support for the International Voluntary Family Planning Assistance Act of 1991.

PROVIDE SUPPORT FOR INTERNATIONAL FAMILY PLANNING EFFORTS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MACHTLEY. Mr. Speaker, the global population of today will nearly triple to 14 billion within the next 30 years unless critical steps are taken. These population increases will occur most dramatically in the poorest and hungriest countries, resulting in incredible starvation and suffering, and creating a terrible drain on the world environment.

The International Voluntary Family Planning Act of 1991 would help to provide the necessary family planning counseling and education which could help prevent these tragic consequences. Voluntary child spacing and planning for children can not only prevent human misery, but can also help to conserve the world's fossil fuels and other resources, and reduce deforestation and desertification.

This legislation is very important for many reasons. According to the World Health Organization, 500,000 women die each year during pregnancy and childbirth. Two hundred thousand of these women, almost half, could be saved if they were able to plan their families. UNICEF has reported that 14 million children under the age of 5 die each year. One-third of these children could be saved if their mothers were able to allow appropriate 2-year intervals between pregnancies.

Without adequate family planning programs, the world population will continue to grow, unabated, at a rate which will ultimately push this planet beyond sustainability. The International Family Planning Act of 1991 would provide \$570 million for population aid to the developing world to help stabilize global population and to provide a fighting chance to those women, children and families living in the poorest areas of our world.

According to the World Bank, in order for a country to stabilize the population, 72 percent

of its child-bearing couples must adopt family planning. Effective methods of planning births are now being used by 50 percent of all couples of child-bearing age, up from only 15-20 percent in the 1960's. The goal of effective family planning which stabilizes the population, permitting fundamental human needs to be met, is within our reach. However, we must help to adequately fund these efforts in order to reach this critical goal.

SUPPORT THE INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT OF 1991

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MOODY. Mr. Speaker, I am pleased to be a cosponsor of the International Voluntary Family Planning Assistance Act of 1991 and I urge my colleagues who have not already cosponsored to do so. This legislation is desperately needed. The world's population is expanding at an alarming rate. In the next century we can expect that it will more than double. There is a clear link between rapid population growth, illness, poverty, resource depletion, and environmental deterioration. This grave outlook demands a renewed leadership by the United States, and that is what the International Voluntary Family Planning Assistance Act of 1991 will provide.

About 500 million women in the developing world want and need family planning but lack access to it. They only want to exercise their right to have the number of children they want and can support. Increasing access to voluntary family planning saves lives and improves the quality of life. It is essential for those countries struggling with social, economic, and environmental problems.

The International Voluntary Family Planning Assistance Act of 1991 will increase United States population assistance to \$570 million and would require \$100 million of this money to be administered through AID's Development Fund for Africa. This legislation would also restore the U.S. contribution to the United Nations Population Fund [UNFPA] by earmarking \$65 million of this money for UNFPA. I am pleased to see money designated for both the Development Fund for Africa and UNFPA.

UNFPA is the largest multilateral organization in the world, working in 141 developing countries. It supports essential projects ranging from maternal and child health care to programs integrating family planning with parasite control to the expansion of contraceptive services and the training of nurses and doctors. UNFPA does not provide any abortion services.

Again, I urge my colleagues to support this legislation. International voluntary family planning aid is essential. Our foreign assistance to developing countries is incomplete without it.

SUPPORT INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. GREEN of New York. Mr. Speaker, I ardently support the 1991 International Voluntary Population Assistance Act, which is being introduced today by Representative KOSTMAYER. Increased funding for voluntary international family planning programs is essential if we are to avoid the grievous consequences of rapid population growth.

Many environmental and health problems facing our world can be directly related to rapid population growth. Global warming, deforestation, stress on global water supply, plant and animal species depletion, high maternal and infant mortality, and the rapid spread of disease all relate to overpopulation.

The 1991 International Voluntary Population Assistance Act is important because, in addition to authorizing an overall increase in the level of U.S. bilateral funding for voluntary family planning services around the world, this act restores the U.S. contribution to the United Nations Population Fund [UNFPA]. The UNFPA is the world's largest source of multilateral voluntary family planning services.

Unfortunately, the United States ceased to fund the United Nations population efforts 5 years ago, alleging that UNFPA funds were going to support coercive abortions in China. Those allegations against UNFPA have never been substantiated. The UNFPA does not, and never has, paid for abortions or abortion-related services in any of the programs it funds anywhere, even in nations where abortion is legal. As a further safeguard, current U.S. law prohibits Federal funds from being used for abortions or related services.

Most recently, under President Bush's leadership, the administration has argued that because UNFPA assists China in developing demographic data, funding to UNFPA will continue to be denied. Once again, I find the administration's reasoning on this issue logically inconsistent and deeply flawed. On the one hand, President Bush argues strongly in favor of extending such significant benefits as most-favored-nation trading status to the Chinese Government. On the other hand, the United States continues to punish UNFPA year after year because that U.N. body has not left China, but instead carries on its mission to provide voluntary family planning and health services to the people of China. I think it unfair and unwise to single out the UNFPA for penalty when its activities and health services are so vital. And I clearly do not believe that UNFPA's collection of demographic data is a plausible reason for denying that agency our support.

The UNFPA plays a positive role in the People's Republic of China and elsewhere, creating programs that result in fewer, not more abortions. By discouraging abortions through providing high quality education in the areas of birth control methods, child spacing, and maternal and child health care, UNFPA is part of the solution, not the problem. UNFPA provides

voluntary family planning assistance to over 140 nations. Ninety of those nations have populations expected to double within the next 30 years.

It is important to note that there is no international coalition supporting the U.S. policy approach toward UNFPA. In fact, during the past 5 years, not one country has followed the example of the United States in withdrawing its contribution from UNFPA. On the contrary, many countries have increased their support.

I strongly urge my colleagues to support the 1991 International Voluntary Population Assistance Act. The consequences of not addressing burgeoning population growth are simply too serious to ignore.

IN SUPPORT OF THE INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT OF 1991

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. GEJDENSON. Mr. Speaker, there are a number of reasons why this Congress should support the International Voluntary Family Planning Assistance Act of 1991, which restores U.S. financial support for the United Nations Population Fund as well as increases funding for the Agency for International Development's population programs.

In dozens of developing countries families suffer under the burden of poverty reinforced by the relentless pressures of population growth. Recent reports have indicated that the number of human beings inhabiting our planet, currently 5.4 billion, is increasing by a quarter of a million every day. At this growth rate, the population should reach 11 billion by the end of the next century but may climb to 14 billion if population programs remain inadequate.

Many of the nations beset with exploding population growth can pinpoint the pressure of overpopulation as a significant factor in the negative social, political, economic, and environmental consequences destabilizing their countries. Perhaps potential disaster can be avoided if adequate resources are devoted to informed and effective international family planning programs. Currently, demand for family planning assistance far outstrips supply in those nations with the largest population growth rate.

The United States should be willing to join with its allies in support of the United Nations Population Fund and in increasing its attention toward our own family planning programs if we are to confront these destabilizing factors. An important segment of U.S. development efforts should be directed toward combating the pressures generated by unchecked population growth. Actions taken now can circumvent disaster in developing nations, improve the quality of life for millions, and reduce the destruction to our world's environment.

I am pleased to join today with more than 80 of my colleagues as an original cosponsor of the International Voluntary Family Planning Assistance Act of 1991. This act further complements last year's efforts in directing U.S.

attention to the detrimental effects of explosive population growth.

**SUPPORT THE INTERNATIONAL
VOLUNTARY FAMILY PLANNING
ASSISTANCE ACT OF 1991**

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. BRYANT. Mr. Speaker, the 1990's are essentially "make it or break it" years for global population. With the world's population now exceeding 5 billion, we will witness at least 3 billion young people entering their reproductive years just within the next generation. Whereas virtually all of this growth is occurring in the poorest countries—those countries least able to provide even basic services for their current citizens—growing populations pose serious threats to the entire world.

For example, poverty in Central America is a cause of political unrest in the region. There are now 100 million people living on the land between the Rio Grande River, dividing Texas from Mexico, and the Isthmus of Panama. By the year 2025, there will be 225 million. Sixty-five countries which depend on subsistence farming may be unable to feed their populations by the year 2000.

Within the next decade, 10,000 species of plant and animal life will disappear annually.

Nearly 1,500 women die every day because of complications from pregnancy and abortion, many of which might not be necessary if unwanted pregnancies were avoided through family planning.

The authorization contained in the International Voluntary Family Planning Assistance Act of 1991 is a modest one. It represents a very small fraction of the money this country spends every year to pay for its own defense and for the defense of its allies. And yet the dollars we spend through this legislation to extend voluntary family planning in the developing world, and thereby to reduce the ravaging pressures of runaway population growth there, may be the most effective national security investment we make this year.

The 1980's effectively made the discussion of population control taboo. We cannot, however, continue to look away from the poverty and despair that is gripping much of the Third World. Nor can we pretend we do not see the myriad ways in which rapid population growth there conspires to entrench that poverty. The time for responsible, humane action has long since passed. This measure is an excellent way to begin the vital work of creating a different and better future for the Third World.

I commend Representatives KOSTMAYER and MORELLA for introducing this bill, and I urge my colleagues to join me in supporting it.

EXTENSIONS OF REMARKS

USE IRA'S FUNDS FOR EDUCATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation which would remove a disincentive in the tax laws for limited use of IRA funds for the important task of educating the citizens of our country. This proposal would permit withdrawals on a penalty-free basis from existing IRA's for certain qualified higher education costs incurred not only by the taxpayer, but also by their spouse, parent, or grandparent. Since the IRA account balances of older taxpayers, such as parents and grandparents, tend to have a larger account balance than those of younger taxpayers, I believe that this proposal would be a meaningful form of assistance to families who are struggling to put their children through college.

Under this proposal, a taxpayer, as well as his or her spouse, parent or grandparent would be allowed to withdraw up to \$10,000 collectively to pay tuition costs, fees, books, and certain other expenses required as a result of the enrollment or attendance at eligible educational institutions. While the proposal would exempt withdrawn funds from the 10-percent penalty that is currently imposed under the income tax laws for premature withdrawals, any amounts withdrawn for these educational expenses would be considered taxable income to the IRA account holder.

There is no question this country faces a critical problem in the area educating our next generation. Many of us talk about education in terms of how it impacts our ability to compete, both domestically and internationally. During that debate, it is important to recognize that we need to rethink how this country intends to compete in the world. In the post-World War II era, we have been principally focused on competing in a political sense. That is to say, our first priority has been to ensure our ability to preserve and enhance our role as a superpower. We have dedicated a great deal of our resources to this end. What we now need to recognize is that we need to be able to compete in the global arena on an economic basis, just as we have competed, very successfully, in the political arena. It seems to me that it is critical to have a well-educated population in either case, but it is doubly important now if we are to continue to distinguish ourselves in the world marketplace.

Mr. Speaker, investing IRA funds in education is a very prudent investment. In addition, use of an IRA account to further one's education is totally consistent with the overall retirement purpose that IRA's were intended to serve. Adoption of this measure will help ease the difficulty many families face in affording higher education for their children, and I urge its serious consideration by each of my colleagues.

February 26, 1991

**MCDONNELL DOUGLAS ADOPTS
FAMILY LEAVE PROGRAM**

HON. WILLIAM L. CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. CLAY. Mr. Speaker, I am very happy to report that the McDonnell Douglas Corp., which is in my district, is implementing a family leave employee program. I would like to have this letter of congratulations inserted into the RECORD for the interest of my colleagues.

HOUSE OF REPRESENTATIVES,

Washington, DC, February 25, 1991.

Mr. JOHN F. McDONNELL,
Chief Operating Officer, McDonnell-Douglas
Corp., St. Louis.

DEAR MR. McDONNELL: I would like to commend the management of the McDonnell Douglas Corporation for its implementation of a new family leave employee program. This is a truly commendable and positive step for McDonnell Douglas to acknowledge the need for companies to help relieve the burden employees face when trying to balance work and family responsibilities.

As both two-income and single-parent families become more and more common, it is a responsible business practice for employers to recognize a worker's basic right to job security in times of family emergencies. By adopting family and medical leave policies, employers will create a more positive working environment with greater productivity and employee loyalty.

I commend McDonnell Douglas on its decision to adopt this family leave policy. I am especially pleased to see that this policy conforms to legislation which I am actively piloting toward enactment—The Family and Medical Leave Act.

Once again, I congratulate the McDonnell Douglas Corporation on this new program.

Sincerely,

WILLIAM L. CLAY,
Member of Congress.

**IN RECOGNITION OF "AMERICAN
HEART MONTH"**

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. STOKES. Mr. Speaker, by congressional resolution and Presidential proclamation, the month of February is American Heart Month. In an Oval Office ceremony on February 7, the President signed the 28th annual proclamation. American Heart Month presents an excellent opportunity to recognize this Nation's progress in the battle against cardiovascular diseases, including heart attack and stroke.

The research, prevention, and educational efforts of both the American Heart Association [AHA] and the National Institutes of Health [NIH], have made significant strides against cardiovascular diseases. The AHA, a non-profit, voluntary health organization funded by private contributions, is dedicated to the reduction of disability and death from cardiovascular diseases, including heart attack and stroke. According to the AHA, from 1978 to 1988, the age-adjusted death rate from coro-

nary heart disease fell 29.2 percent and that from stroke fell 33.2 percent.

Despite this progress these diseases are still the No. 1 cause of death in the United States and worldwide. Each year, nearly 1 million Americans die from cardiovascular diseases, which claim a life every 32 seconds in the United States. In addition, the AHA reports that more than one in four Americans have some form of cardiovascular disease.

A continued matter of grave concern to me is the high mortality and incidence of stroke. Some epidemiologists believe that there is a resurgence in the number of new cases of stroke, which may be the result of more sophisticated technology detecting milder strokes and a growing older population. Provisional mortality statistics show that in 1988, 150,300 Americans died from stroke, a cardiovascular disease that affects blood vessels supplying oxygen and nutrients to the brain. Stroke, this Nation's third leading cause of death and a chief source of disability, is expected to strike about 500,000 Americans in 1991, killing over 150,000. The severity of stroke and its debilitating consequences make it one of the most expensive diseases in the United States. The AHA estimates that in 1991 stroke will cost this Nation \$15.6 billion in direct and indirect medical costs.

Moreover, black Americans are more prone to die or to be incapacitated from stroke than white Americans. Research shows that black Americans have more than a 60-percent higher risk of death and disability from stroke than whites. This disturbing figure is often attributed to blacks' higher incidence of high blood pressure, the most significant risk factor for stroke. In addition to high blood pressure, the AHA cites over controllable stroke risk factors, including heart disease, high red blood cell count, and transient ischemic attack [TIA], a temporary stroke-like event that lasts only a short time, caused by a temporarily blocked blood vessel, but can predict an actual stroke.

Also, in 1989, for the first time, the Federal Government cited a causal relationship between cigarette smoking and stroke. The Surgeon General's 1989 report, "Reducing the Health Consequences of Smoking: 25 Years of Progress," states that—

Current evidence indicates that cigarette smoking is a cause of stroke and that smoking cessation reduces the risk of stroke.

According to the most recent statistics from the Surgeon General, smoking is estimated to cause about 27,000 deaths each year due to stroke.

The National Institute of Neurological Disorders and Stroke [NINDS], the Federal Government's focus for neurological research, is performing two studies in an attempt to clarify the disproportionate incidence and mortality rates from stroke between black and white Americans. In an attempt to explain this difference, investigators are assessing stroke risk factors, including diet, smoking, and high blood pressure.

The NINDS programs are coordinated with the National Heart, Lung, and Blood Institute's [NHLBI] cardiovascular stroke risk factor programs on high blood pressure and atherosclerosis. As part of its National High Blood Pressure Education Program, the NHLBI has begun an initiative focusing on 10 Southeast-

ern States and Indiana where the age-adjusted stroke death rates are more than 10 percent higher than the national average. The program consists of three areas, education, mass media campaign entitled, "Strike Out Stroke," and outreach through churches.

I congratulate the AHA, the NHLBI, and the NINDS for advances in improved diagnosis, treatment, and prevention of stroke. But much more must be accomplished to curb the incidence and mortality rate of this debilitating and often fatal disease. According to the AHA, the incidence of stroke more than doubles in each successive decade for those over 55 years of age. The AHA estimates that 72 percent of stroke victims are 65 years of age or older.

As our aging population grows, Congress must invest sufficient Federal funds in stroke research, prevention, and education. In this first year of the Decade of the Brain, I encourage my colleagues to focus on the neurosciences. The National Advisory Neurological and Communicative Disorders and Stroke Council reports in its congressionally requested document, "Decade of the Brain: Answers Through Scientific Research," January 1989:

Our Nation stands on the threshold of enormous opportunities in the neurosciences. The foundation for future advances has been laid, and the potential exists for incalculable reductions in the human and economic tolls exacted by neurological disease and communicative disorders. The immediate and long-range benefits of research cannot be overestimated. The only question that remains is whether we as a nation have sufficient foresight and will to exploit these research opportunities.

I urge my colleagues to provide sufficient funds to reach the goal for stroke identified in the National Advisory Neurological Disorders and Stroke Council's June 1990 Implementation Plan: Decade of the Brain:

Prevention of 80 percent of all strokes and protection of the brain during the acute stroke within the Decade of the Brain.

AMERICAN HEART MONTH, 1991

(By the President of the United States of America)

A PROCLAMATION

In recent years, we have learned much about what we can do to avoid heart attack, stroke, and other forms of cardiovascular disease. For example, we know how important it is to discourage use of tobacco products, particularly among young Americans. We also know that controlling blood pressure, following a diet low in fat and cholesterol, and exercising regularly are all prudent ways of reducing the risk of cardiovascular disease.

Although significant growth has been made in the struggle to overcome cardiovascular disease, we must not become complacent. Heart attack, stroke, and other forms of cardiovascular disease continue to claim the lives of nearly 1 million Americans every year—one American approximately every 32 seconds.

Nearly 68 million Americans currently suffer from one or more forms of cardiovascular disease, including high blood pressure, coronary heart disease, rheumatic heart disease, and stroke. Contrary to widely held assumptions, heart disease does not occur primarily in old age; studies show that 5 percent of all heart attacks occur in people younger than

age 40 and more than 45 percent occur in people younger than age 65.

Women as well as men are at risk. Heart attack is the number one killer of American women, surpassing even breast cancer and lung cancer. Almost half of the more than 500,000 persons who die each year of heart attack are women.

While statistics tell us much about the prevalence of cardiovascular disease in the United States, they cannot measure the pain and suffering endured by victims and their families. Heart attack and other forms of heart and blood vessel disease also inflict a heavy toll on our Nation in terms of health care costs and lost productivity. The annual costs of related medical services and lost work due to disability total in the billions of dollars.

Since 1948, the Federal Government, through the National Heart, Lung, and Blood Institute, and the American Heart Association, a private nonprofit organization, have spent millions of dollars on educational programs and research into cardiovascular disease. The American Heart Association estimates that it has invested more than \$900 million in research since it became a national voluntary health organization in the late 1940s. That great investment has been made possible by the generosity of the American people and the dedicated efforts of more than 3 million volunteers.

During American Heart Month we recognize the importance of such ongoing efforts in the public and private sectors. We also reaffirm our commitment to overcoming cardiovascular disease.

The Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

Now, Therefore, I, George Bush, President of the United States of America, do hereby proclaim the month of February 1991 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combating cardiovascular diseases and stroke.

In Witness Whereof, I have hereunto set my hand this seventh day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH.

THE PATRIOT'S SUCCESS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, like many other residents of Massachusetts, I was pleased to have the President come to our State and extend well merited praise to the workers of Raytheon who produced the Patriot missile. The one discordant note in the President's speech was a suggestion that the excellent work which has been done on the Patriot—work which has been overwhelmingly supported in Congress with very little controversy—somehow gives support to the SDI program. The effort by some on the political right to kidnap the Patriot on behalf of SDI is

one of the boldest attempted intellectual thefts in our history. Two weeks ago, in section 4 of the New York Times, William J. Broad made clear that the Patriot program has, fortunately for our national defense, been entirely separate from the SDI program. Because this is a point which will undoubtedly figure very importantly on our debates on the military budget this year, I ask that this article be reprinted here.

THE PATRIOT'S SUCCESS: BECAUSE OF 'STAR WARS' OR IN SPITE OF IT?

(By William J. Broad)

The success of the Patriot missile in the Persian Gulf has set off a bitter war of words over whether the Strategic Defense Initiative, or Star Wars, has helped or hurt the development of anti-missile defenses. Last week the Bush Administration cited the Patriot's feats when it called for a hefty rise in financing for S.D.I. Yet some experts say the Patriots' fiery destruction of Iraqi Scud missiles in the Middle East has occurred not because of the Star Wars effort but despite it.

The argument against the helpfulness of Star Wars goes like this: The goal of an impenetrable shield, unveiled eight years ago this March by Ronald Reagan, was so utopian and unrealistic that it diverted the country's long history of anti-missile research into unnatural paths. Critics point out that the program took seven years to achieve its first interception of a mock warhead in space, the event occurring two weeks ago Monday, and that no actual arms are even close to realization. They note that the world's only working anti-missile system, the Patriot, was an Army initiative that got no financial aid whatsoever from Star Wars.

"We would have been farther along without S.D.I.," said Senator Malcolm Wallop, a Wyoming Republican who has long championed anti-missile weaponry. "The whole program was designed to study forever and build never. It hurt more than it helped."

Not so, say Star Wars backers, who argue that anti-missile development was helped significantly by the Reagan initiative, which begat the biggest program of military research in history. Some \$24 billion has been spent to date. Like any great change, supporters say, the effects are pervasive and will have practical repercussions for decades. "Future secretaries of defense are going to have to be able to deploy defenses against ballistic missiles," Defense Secretary Dick Cheney said last week in issuing the Administration's proposed military budget for the fiscal year 1992, which includes a \$1.7 billion rise to \$4.6 billion for anti-missile work. "S.D.I. is very important" for destroying not only "Scud and Scud variants," Mr. Cheney said, but against "far more sophisticated threats that we anticipate in the future."

COMPUTERS AND LASERS

The recent crusade for space-based weapons was preceded by decades of anti-missile research, most of it conducted by the Army and much of it focused on developing land-based interceptors with nuclear warheads. By the late 1970's, the Carter Administration started exploring non-nuclear ideas. Experts felt that the advent of computer chips and precision guidance promised to endow anti-missile weapons with deadly new accuracy. In 1978, the Army began an experiment to make a rocket interceptor that would destroy enemy warheads by sheer force of impact rather than by an explosive charge. So too, the Defense Advanced Research Projects Agency began to explore the feasibility of space-based lasers.

By early 1980, this work was so advanced that Senator Wallop and others on Capitol Hill began agitating for deployment of anti-missile lasers in space. When Mr. Reagan was elected that November, these advocates expected that the anti-missile age was about to dawn. It did not, despite the Star Wars speech of March 1983 and a vast research program.

"The resources being developed in an orderly way were diverted to the dazzle-dazzle of S.D.I.," said Antonia H. Chayes, a lecturer at the Kennedy School of Government at Harvard and former under secretary of the Air Force in the Carter Administration.

FRANTIC EFFORTS

Instead of taking a sober, step-by-step approach, the effort zig-zagged in a frantic search for a weapon to fulfill Mr. Reagan's dream of rendering enemy missiles "impotent and obsolete." Candidates that came and went included X-ray lasers, chemical lasers, free-electron lasers, neutral particle beams and space-based kinetic kill vehicles. "There was a lack of internal and external coherence in what we were trying to do," said a former White House official who followed anti-missile research.

Meanwhile, research on the Patriot moved steadily ahead. In June 1983, the Army decided to expand the missile's role. Not just enemy aircraft would be targeted but also short-range missiles. The Raytheon Company, maker of the Patriot, says the decision was based on intelligence estimates of Soviet missile threats, not Star Wars. "It's my judgment that it would have happened without Reagan," said Robert Stein, head of advanced defense work at the company's missile systems division in Bedford, Mass.

Angelo Codevilla, a former aide to Senator Wallop who is now a senior fellow at the Hoover Institution, said one reason for the Patriot's success was that it never became entangled in the quest for an impenetrable shield. "Thank God S.D.I. never touched it," he said. "This was the only system that escaped being destroyed by Star Wars."

Backers of the Pentagon's work, while conceding some wheel-spinning, say the accomplishments of the S.D.I. program are nevertheless great. For instance, in March 1989 a three-ton, \$140 million satellite laden with advanced sensors was launched into space to see what the fiery exhausts of rockets looked like against a variety of backgrounds. The months long experiment, experts say, was vital to discovering if similar systems could track enemy missiles and warheads so space-based weapons could attack them. This March, a more ambitious sensor test is scheduled to take place aboard the space shuttle. And new ideas for anti-missile arms are speeding forward, including Brilliant Pebbles, a space-based fleet of tiny homing rockets that would smash targets by force of impact. "Patriot was faced with naysayers throughout its history, just as S.D.I. is," said Dr. Henry F. Cooper, director of the Strategic Defense Initiative Organization.

Perhaps most important, supporters say, President Bush has brought the whole endeavor down to earth by recently directing S.D.I. to shift its focus to "providing protection from limited ballistic missile strikes," a clear repudiation of Mr. Reagan's more grandiose aims.

Even so, S.D.I. has such a poor reputation in Congress that some members are considering the creation of a separate agency to oversee work on short-range interceptors that would pick up where the Patriot's successes leave off. "There are people on the Hill who want to look very carefully at

whether giving this work to S.D.I. is the kiss of death," said Joseph Cirincione, an aide to the House Armed Services Committee.

THE DESERT STORM DUNE BUGGY—IT'S A HUMDINGER

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. ROEMER. Mr. Speaker, I rise today to salute the working men and women of the LTV Corp., in Indiana's Third Congressional District who are involved in the production of the Army's high-mobility, multipurpose wheeled vehicle—affectionately known to our troops in the Persian Gulf as the "Hummer." I recently toured the LTV plant in Mishawaka, IN, where this fine military vehicle is built, and I was moved by the dedication and skills of the work force there. The workers have a genuine sense of pride that their product is on duty and performing superbly in a number of support roles for our troops in the Persian Gulf.

Both the management of LTV and the dedicated Hoosiers working there are committed to producing a quality product that will help the U.S. military carry out its land warfare mission. As a successor to the Jeep, which supported our troops through a world war and numerous other regional conflicts, the Hummer is performing in outstanding fashion. A January 28, 1991 article in the Washington Post notes that the Hummer is passing one of the toughest tests that it can be subjected to—the desert heat of the Middle East. I ask unanimous consent that this article from the Post's foreign journal be printed in its entirety in the CONGRESSIONAL RECORD at this point.

[From the Washington Post, Jan. 28, 1991]

THE DESERT STORM DUNE BUGGY—IT'S A HUMDINGER

(By Guy Gugliotta)

WITH U.S. FORCES, Saudi Arabia.—Camels may be the traditional "ships of the desert," but if you're more interested in scooting than cruising, U.S. armed forces recommend the "Humvee."

This curious vehicle, one part pick-up truck, one part dune buggy, is the modern-day, all-purpose, all-terrain, four-wheel-drive successor to the beloved jeep. The Humvee is one of the success stories of the U.S. deployment in Saudi Arabia, a piece of military hardware that doesn't break down, overheat, misfire or blow up and costs only \$26,707. Add-ons, like air conditioning, radio, M-60 machine gun or TOW anti-tank missile can run you a little extra.

But where a jeep was cute and cuddly, a Humvee is squat and ugly, as if Steven Spielberg had taken one of his imperial walking tanks out of "Star Wars" and chopped it off at the knees. And while jeeps ran on gas, Humvees do diesel. Jeeps had four on the floor, while Humvees have automatic transmissions, power steering and power brakes. Jeeps were easy to work on, said Air Force Senior Master Sgt. Raul Perez, "but you could flip 'em just by making a simple turn." Humvees, with the shoulders and chest of a bull mastiff, don't flip.

Perhaps the biggest advantage that the jeep had was its name, which rhymed with

beep and sounded just like what it was. When the time came to replace jeeps, the military bureaucracy, which never saw a syllable it couldn't tie into knots, created the "High-Mobility, Multipurpose Wheeled Vehicle." As Casey Stengel said, "you could look it up." I did.

This was shortened to HMMWV, about as pleasant to the ear as cat claws on a blackboard. Fortunately, the American soldier soon came up with a translation palatable to human beings. Hence Humvee, or, more familiarly, "hummer."

But there is no water-cooled, V-8, 150-horsepower, 6.2-liter diesel engine on Earth that hums. The sound of a healthy Humvee could be diplomatically described as "robust."

Perez, a 41-year-old mechanic from El Paso, Texas, runs the Air Force motor pool at a large air base in eastern Saudi Arabia. Before operations Desert Shield and Desert Storm, his Humvee experience was limited. Now, like the rest of the mechanics in his shop, he can identify the most common Humvee problems "just by listening to them."

"A horrible rattle means the alternator bracket is busted," Perez said. "Whining and squealing means they've blown out the steering pump."

Like many mechanics, Perez blames most Humvee problems on what he delicately describes as "operator care," but the faulty alternator brackets have been noted by Humvee mechanics throughout Saudi Arabia. Perez stopped the rattling by replacing the holding screws with metric ones "giving us a closer fit."

The steering pump has him somewhat puzzled, but he suspects that the combination of power steering, a small steering wheel and a long (130-inch) wheelbase, encourages drivers to "throw the vehicle all over the place," causing leaks to develop in the steering column. Rather than add hydraulic fluid operators continue driving until the pump runs dry and stops. "They always say, 'I don't know what happened, it just quit on me. I heard a loud bang.'"

All of this, however, is not to say the Humvee is breakdown-prone. In fact, says Perez, quite the opposite. He takes care of 75 to 100 Humvees and has only had to replace one engine and rebuild two transmissions in the five months since the U.S. deployment here began. Other mechanics are equally enthusiastic.

"Humvees are almost maintenance-free," said Army Warrant Officer Eddie Royal, 41, a battalion maintenance chief with the 82nd Airborne Division. "We run them up to 60 mph, do program maintenance on them every six months or 6,000 miles. It's a very durable vehicle."

And versatile. The basic Humvee, built by AM General, weighs 7,700 pounds with an aluminum chassis, Kevlar body and removable doors. There are 15 showroom models, including everything from "cargo-troop carrier" (canvas top, seats in back), to "armament carrier, armored winch" (Kevlar hatchback, rigged for a machine gun or grenade launcher) to "ambulance 4x4" (cross painted on the side.)

But this doesn't begin to describe the purposes to which Humvees are put. In one recent informal survey along a stretch of highway in northeastern Saudi Arabia, one observer spotted Humvees carrying radios, inner tubes, duffel bags and human beings. One Humvee was mounted with air-conditioned modules, like a camper. Another displayed a large timer for a footrace. A third

was covered with camouflage netting and had rolled-up rugs and cloth mats strapped to the top of the cab.

And besides simple transport, soldiers use Humvees as roving security vehicles, as mobile guard posts and as command communications centers. Six of them rigged with TOW missiles constitute a Marine Combined Anti-Tank, or CAT, team. Snuffling in the sand dunes like angry cockroaches, CAT Humvees can wait for an enemy tank to appear in the distance, blast it with a missile and then drive off into the desert at 45 mph. "Think of us as mechanized snipers," said TOW operator Lance Corporal Todd Hanks, 22, of Oklahoma City.

As this article notes, the Hummer gets rave reviews from those it is meant to serve—the men and women of the U.S. Armed Forces. While LTV has designed a durable and dependable vehicle, there is no doubt in my mind that one reason the Hummer has done so well in fulfilling its numerous missions is the pride and care taken by the Hoosier work force that builds it. It is this Hoosier pride and dedication to quality that makes the Hummer what it is today—a reliable and safe vehicle for our troops in the field. I salute the workers of LTV in the Third Congressional District of Indiana for their pride, patriotism, and dedication to quality. Because of them, our troops are better equipped to defend democracy and freedom throughout the world.

COUNTRY LEGEND WEBB PIERCE DIES

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. CLEMENT. Mr. Speaker, on Sunday a good friend of mine, a fine gentleman, and a true country music legend—Mr. Webb Pierce died in Nashville. I knew Webb Pierce for many years and I can best describe him as a very talented and truly caring person. He will be sorely missed by fans, friends, and the community.

I ask that my colleagues in the U.S. House of Representatives join me in recalling some of the outstanding moments in Webb's career and in paying tribute to a man who inspired many of the great talents in the country music industry. I submit for your review the following article from the Nashville Tennessean outlining some of the milestones in Webb's career.

CANCER CLAIMS WEBB PIERCE, 69

(By Robert K. Oermann)

Country Music Hall of Fame nominee Webb Pierce, whose honky-tonk style ruled the popularity charts of the 1950s and '60s, died yesterday morning in Southern Hills Medical Center after a long battle with pancreatic cancer.

Services will be at 11:30 a.m. tomorrow at Woodlawn Funeral Home. Visitation will be at the funeral home on Thompson Lane from 11 a.m. to 1 p.m. and from 5 to 7 p.m. today. Burial will be in Woodlawn Memorial Park.

One of the biggest country hit-makers of all time, Pierce 69, was noted for his penetrating vocal delivery, songs of barroom romance, flashy rhinestone stage costumes, business acumen, durable career and independent character.

Mr. Pierce had been hospitalized several times at Southern Hills following abdominal surgery last March. The cause of death was listed as congestive heart failure, brought on by his illness.

To the millions who bought his music, Webb Pierce was the consummate country stylist. Even a partial list of his 97 hit records suggests the large number of classic songs he introduced—"There Stands the Glass, Wondering, Missing You, Back Street Affair, I Ain't Never, Tupelo County Jail."

To many, Webb Pierce was the image of a Nashville superstar, right down to his silver-dollar-studded car and guitar-shaped swimming pool.

With 50 Top 10 hits, he ranks as one of the 10 biggest stars in country music history.

Mr. Pierce's "Slowly" recorded in 1954, was the first country hit to feature the now-standard pedal steel guitar.

With "In the Jailhouse Now" in 1955 and "Any Old Time" in 1956, he kept alive the memory of country music immortal Jimmie Rodgers.

In turn, today's country stars have saluted Mr. Pierce's influence.

His 1955 No. 1 hit "I Don't Care" was introduced to a new generation of country music lovers by Ricky Skaggs in 1982, the same year that Loretta Lynn re-recorded "There Stands the Glass. "No Love Have I", which Mr. Pierce introduced in 1959, was revived by Gail Davies in 1978.

Willie Nelson reacquainted his followers with the distinctive Pierce style by recording a duet LP with the honky-tonk master in 1982. Pierce also recorded duets with the late Red Sovine, Mel Tillis and Kitty Wells.

A remarkable number of stars sprang from Pierce's band, the Wandering Boys. In addition to Sovine, the group was the training ground for pianist Floyd Cramer, steel guitarist Jimmy Day, the harmony team the Wilburn Brothers and singers Goldie Hill and Faron Young.

The list of careers he boosted is a long one. He got the Wilburns their recording contract with Decca. He brought Tillis and Roy Drusky to Nashville as songwriters. He got Merle Kilgore his first recording contract.

Mr. Pierce was one of the most successful stars in the history of the Billboard magazine country charts, and according to the magazine's statistics he reigned as the most popular country act of the 1950s.

Webb Pierce was born Aug. 8, 1921, on a farm near West Monroe, La. He began playing guitar as a teen-ager, gaining local renown on Monroe's KMLB radio in the early 1940s.

In 1944 he moved Shreveport in search of bigger fame. Mr. Pierce took a job at Sear's in the menswear department while persistently angling for a slot in the cast of the popular Louisiana Hayride barn dance show on KWKH. He joined the show in 1949.

In 1951 he was signed to a Decca Records contract, striking pay dirt with the label in January 1952 with Wondering, followed by That Heart Belongs to Me and Back Street Affair, all three of which were No. 1 hits.

When Hank Williams was fired from the Grand Ole Opry in 1952, Mr. Pierce was recruited as his replacement. He moved to Nashville with his new bride, the former Audrey Grisham.

By 1953 he was topping magazine polls as the nation's favorite country singer.

Hits such as Why Baby Why (a duet with Sovine), It's Been So Long, I'm Walking the Dog, Even Tho, I'll Go on Alone and More and More led to more than 30 top show business awards of the day and a baronial home

on Curtiswood Lane near the governor's mansion by 1956.

Along with Carl Smith, Ray Price, Faron Young and the late Lefty Frizzell and Hank Williams, Mr. Pierce virtually defined the honky-tonk style of the early 1950s. When people today talk about the "traditional" country sound, they are referring to the style he helped popularize.

He quit the Opry in 1955 to become one of country music's early television stars as a regular on the ABC network series *Ozark Jubilee*. He rejoined the Opry cast in 1956, but left again in 1957.

In addition to radio, records and TV, he made his mark in such hillbilly films of the 1950s and 1960s as *Buffalo Gun*, *Road to Nashville* and *Music City USA*.

He was also instrumental in the establishment of Nashville as a music business center. He and the late Jim Denny co-founded Cedarwood Publishing in 1953. He was preceded only by Roy Acuff as a country star with a song business, and Cedarwood was the first firm to build an office building on Music Row.

Mr. Pierce also invested in radio stations and real estate.

His \$100,000 Pontiac convertible embellished with silver dollars, cattle horns, six-shooters and tooled leather was a familiar sight to country fans of the 1960s. He donated it to the Car Collectors Hall of Fame museum in 1983.

In the 1970s, Mr. Pierce had a highly publicized legal battle with his Oak Hill neighbors, notably Ray Stevens, about attracting tourists to his house with his guitar-shaped swimming pool. He built a second such pool as a attraction on Music Row in 1978.

Always an opinionated, flamboyant character, Mr. Pierce frequently went against the grain in Music City. Although popular with disc jockeys and fans, he was never part of the Music Row establishment.

He spent the late 1970s on the Plantation Records label, but apart from the Nelson duet LP did not have notable recordings in the 1980s.

In October 1989, Webb Pierce was given the Master Achievement Award during Country Music Week ceremonies staged by the Reunion of Professional Entertainers organization.

Last October, Mr. Pierce was nominated for the Country Music Hall of Fame, and his election is expected.

During his later career he was tirelessly championed by his former band member Max Powell, who was his aide, spokesman and friend to the end.

Survivors in addition to his wife, Audrey, include his daughter, Debbie, and son, Webb Jr., both of Nashville; a half-brother, James Wyatt, Monroe, La., and two grandchildren.

IGNORING BRIDGE MAINTENANCE NEEDS COULD LEAD TO DISASTER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. ROE. Mr. Speaker, today I am submitting a column by Sidney Schanberg which appeared in the Newark Star-Ledger on February 14 concerning the folly of ignoring the Nation's bridges.

Mr. Schanberg notes how a small amount of maintenance funding each year could have

prevented New York City from now facing major capital costs and unsafe spans which carry thousands daily.

For more than a decade, our entire Nation has been following the same penny-wise, pound-foolish policy that Mr. Schanberg describes in New York. Nationwide, it is estimated that 41 percent of all bridges are functionally obsolete or structurally deficient.

Mr. Schanberg predicts that a major disaster will be needed to focus attention on the bridges, such as a subway train falling into the East River. With a \$16 billion surplus in the highway trust, we have ample funds to begin a national bridge improvement effort.

Let's not wait for the disaster to happen. It might not be in New York City—it might be in any one of our communities.

A BRIDGE TOO COSTLY—IT WILL TAKE A "DISASTER MOVIE" TO GET THE CITY'S SPANS REPAIRED

NEW YORK—In the life-goes-on category, it's comforting to read that New York City's bridges are still falling down. This is the kind of thing we need to get our minds off the war.

In the war, people are actually being blown apart, even though you can't get any pictures of this on your television set. With the bridges, someone usually shuts them down just before a subway train would have broken through the rotted steel and fallen into the East River. So the bridges just go on falling apart, but not quite snapping in two, and this provides the reassuring kind of constant that New Yorkers need in their lives to steady them.

It also provides useful conversation filler when there's a draggy spot during the war on television (like when the unemployed military experts come on)—"Didya see pieces are falling off the Manhattan Bridge?" "Yeah, just like the Williamsburg a couple of years ago." "It just keeps getting worse. Nobody ever does anything about it." "Yup. Never changes. One of these days, the N train is going right in the water."

It would indeed take a train diving into those inky depths to get the money produced to fix the bridges. I obviously don't wish this, but nothing else seems to seize the attention of those in charge.

Government is sometimes too serious a matter to be turned over to the politicians. They'll do almost anything to duck a tough issue. Tough issues are those that can cost you votes.

Right now, there's a bridge donnybrook going on between the newly courageous City Council and the mayor, David Dinkins—who looks more and more each day like a man who wishes everything would go away.

This fight isn't really about how to pay for keeping up the bridges. That's one of those tough issues. No, the spitting match is over whether the mayor and his transportation commissioner, Lucius Riccio, ignored clear warnings from lower officials that the Manhattan Bridge was falling apart.

The warnings came in memos from officials lower down, and of course they were ignored because the mayor, et al., would have to offend voters to raise the money, and he has no more stomach for that tough decision than did the previous mayor and the one before him, ad vacuum. And the same goes for the City Council.

Here's the weepy political explanation: Bridges don't have constituencies like police and school budgets, they're not sexy items, everybody wants to complain about them

but no one wants to pay for them, so what can we do?

And here's how the planners and engineers explain it: If you spend a relatively small amount of money now for ongoing maintenance, you'll literally save the billions that will be needed later to rebuild the structures you allowed to fall apart for lack of periodic paint jobs, minor repairs and upkeep.

Consider the Williamsburg Bridge. It got to the scare stage in 1988. Before that, it was only dangerous—steel beams would fall occasionally into the East River. Which means that by 1988 it was one of those disaster movies waiting to happen. The then-mayor said it was everybody's fault but his, especially all the lousy mayors who preceded him. But in the end, because they were at the scare stage, regardless of how they had gotten there, the bridge had to be fixed. The price tag? \$400 million. Just to get it into acceptable shape.

Samuel Schwartz, who was in charge of bridges for the Transportation Department at the time and was trying to turn things around, wrote about it later in these simply and cogent sentences:

"The 87-year-old Williamsburg Bridge will cost approximately \$400 million to reconstruct. Leading civil engineering experts, commissioned by the city, found that for \$2 million annual (1990 dollars) the bridge could have been properly maintained and its steel would have lasted 200 years. In 87 years we should have spent \$174 million on maintenance (we probably spent closer to \$20 million). Instead we will spend the \$400 million this decade for a net waste of \$200-plus million."

"When we looked at all 840 city bridges, we found that a well-run program should cost \$150 million a year. But we will spend \$400 million a year for the next 10 years because we have not maintained the bridges. That's \$2.5 billion wasted!"

In reality, the waste will probably be much greater. That's because Schwartz wrote those words a year ago, and now, with the recession and the resultant drop in city tax revenue, the bridge budget is being slashed significantly. This means maintenance will be deferred, the bridges will get a little scarier and the rebuilding costs will rise accordingly. Look for a lot more bridge closings in the next year or two. It's either that or the disaster movie.

There are ways to raise the money to do the job now, but these would take tough decisions. Like putting tolls on the East River bridges. This would not only produce money, but it might also persuade some people to form car pools and thus ease the gridlock in Manhattan and save gasoline at the same time.

But don't hold your breath. The last major political decision about the East River bridges was made in the early 1900s. That was Mayor William Gaynor's decision to take the tolls off the East River bridges. He did it to get re-elected—and he was.

Isn't it reassuring? Nothing really does change.

SATELLITE COMPETITION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. RICHARDSON. Mr. Speaker, there is much to be said about the American entre-

preneurial spirit—the ability to take chances, to endure and to succeed. This spirit is as alive today as it was more than a century ago when America's industrial magnates evolved. As we approach the 21st century with the advent of new technologies a new generation of American business success stories is unfolding.

I would like to call your attention to one such modern day business success story. Just a few short years ago Rene V. Anselmo founded Pan American Satellite of Stamford, CT. Two years ago, Mr. Anselmo risked \$85 million by launching a communications satellite. Today, Mr. Anselmo is ringing up millions of dollars in sales in satellite time to television networks around the world.

I urge my colleagues to read an outstanding account of this modern day success story as described so eloquently by reporter Edmund L. Andrews in the February 10, 1991, edition of the New York Times.

[From the New York Times, Feb. 10, 1991]

NEW COMPETITION IN THE SKY, AND JUST IN TIME FOR THE WAR

(By Edmund L. Andrews)

Military contractors have not been the only companies to get a lift from the United States-led war against Iraq. The nearly insatiable demand for live television reports about the war has been a bonanza for companies providing satellite services.

But few operators have enjoyed the sweet vindication of Rene V. Anselmo, the founder of Pan American Satellite of Stamford, Conn. Two years ago, in what seemed like a good way to lose a fortune, Mr. Anselmo gambled \$85 million for the sale of his former broadcasting businesses to buy and launch the first privately owned communications satellite over the Atlantic Ocean.

At the time, he faced heated opposition from regulators, had no assured customers and enough insurance to recover only half his loss if his satellite blew up during launch. And he was lunging into a market controlled by Intelsat, a satellite consortium owned by organization in 119 nations.

But today, Mr. Anselmo is virtually booked solid, offering cut-rate prices and fast bookings for television networks around the world. With 1991 sales likely to climb well beyond the company's initial projection of \$25 million, he is now busy raising money for three more satellites.

To be sure, boom times have come to almost everybody in the satellite business since the war began. Intelsat has seen "spot" bookings for satellite time—those not reserved far in advance—surge to 400 programs a day, up from about 150. Bright Star Communications Ltd., based in London, which buys satellite time in large volume from Intelsat and then resells it, has roughly doubled its business. Even American companies like GTE Spacenet are busy, relaying signals from abroad to local stations across the United States.

While Pan American's satellite does not reach the Persian Gulf, it, too, has benefited from the war. Revenues from spot bookings surged to about \$2 million for the last three weeks of January, up from \$200,000 a month before the war, although business has dropped slightly as stations have trimmed back war coverage. There are also revenues from long-term leases with television networks on both sides of the Atlantic.

"It was busy before, but it's pandemonium now," said Mr. Anselmo.

The company's satellite has become a key link for European news organizations that broadcast live from Washington, like the British Broadcasting Corporation or SAT 1, the German network. It is also used heavily by American networks like CBS and ABC to transmit programming abroad and to supplement their direct satellite links to the Midwest by sending material through Europe.

The company's arrival has not brought prices down but has helped to improve service. "Pan Am Sat has been very good for the industry," said Charles E. Hoff, managing director for Cable News Network's satellite news gathering operations. "They offer a non-Intelsat alternative, essentially a free-market availability, and that has been good for all of us."

One of Pan American's first customers, CNN, has used its satellite mainly to send programming abroad but also to get material from overseas bureaus.

For Mr. Anselmo, who is 65 years old, Pan American is the second major project of his career. Born in Medford, Mass., he spent 11 years after college in Mexico, working for the Mexican television network, Televisa, and as an independent producer. In 1961, he came to the United States and, with other investors, bought a bankrupt UHF station and subsequently started up 14 others, all broadcasting in Spanish. That led to the founding of the Spanish International Network, financed in part by Televisa and offering Spanish-language programming to stations and cable systems in the United States and Latin America.

But Mr. Anselmo ran afoul of the Federal Communications Commission, which prohibits foreign control of television stations and contended that his were under foreign control because of Televisa's stake in SIN. After years of litigation, Mr. Anselmo sold his stations and separated himself from SIN in 1986. It was the \$100 million from the sales that enabled him to buy and launch the satellite.

His timing turned out to be excellent. Mr. Anselmo bought a satellite from RCA and was able to take advantage of special incentives offered by ArianeSpace, the European rocket company, to launch the satellite for only \$9 million. ArianeSpace was having trouble getting customers for a new launch rocket in part because of an explosion of an earlier rocket.

As a result, Mr. Anselmo was able to become operational for about \$85 million. Buying and launching a comparable satellite today would cost \$180 million to \$200 million.

The satellite became operational just before the breakdown of Communist regimes in Eastern Europe and the fall of the Berlin wall generated a surge in demand for satellite capacity. "They were in the right place at the right time," remarked Timothy Logue, space and telecommunications analyst with the Washington law firm of Reid & Priest. "News organizations have an insatiable drive to beat their opponents, and they will turn to whatever means are available."

The start-up of Pan American would have come off without a hitch if not for regulatory barriers.

Under longstanding international agreements, the Intelsat consortium had until Pan American's arrival enjoyed a virtual monopoly over international satellite communications. Under the system, participating countries designate companies—usually government-owned telephone companies—that serve as their representative to Intelsat. These companies transmit and receive material from Intelsat satellites and

charge their customers, who supply telephone, data and television services. In the United States, access to Intelsat is controlled by the Communications Satellite Corporation, a for-profit company.

In part because regulators feared that a competitor would undermine Intelsat, and in part because Pan American would inevitably deprive governments of Intelsat fees, Mr. Anselmo's plan to offer a competitive service generated heated opposition.

Although the Reagan Administration in 1983 endorsed the idea of limited competition with Intelsat, it took Mr. Anselmo from 1984 to September 1987 to get final launch approval from the Federal Communications Commission. Even then, he didn't have a viable business because only one other country, Peru, had agreed to allow people within its borders to communicate over the new satellite.

With patience, persistence and pressure from major communications users, Mr. Anselmo began receiving "landing rights" for his satellite from other countries. By the time of the launch in 1988, he had agreements with a half-dozen countries, including West Germany. Almost 70 countries have since opened up to the new satellite.

Today, Pan American, whose communications base in Florida houses 10 earth stations, is booked almost to capacity. Pricing is complicated, but the rates appear to be somewhat cheaper than the competition's. The company says prices vary from less than \$1,000 for an hour of satellite time to \$2,400, depending on the customer's annual usage. It says most customers pay less than \$1,300. That does not include the charge for using transmission stations on the ground, which can add a few hundred dollars at each end.

By contrast, Bright Star Communications, which resells time with Intelsat, charges \$1,700 to \$2,250 an hour, including earth station fees. Comsat, the American Intelsat representative, charges a flat rate of \$2,637 an hour, which includes earth station fees.

Mr. Anselmo said he never conducted formal market research to predict where customers would come from. The whole gamble was based on instinct. "My theory," he said, "was that I couldn't imagine putting a satellite up there and offering all this technology without it being used."

A CORRECTION: COMMONWEALTH STATUS BEST FOR PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. FUSTER. Mr. Speaker, there is a serious error in my comments in the CONGRESSIONAL RECORD of February 22, headlined, "Columnist Tom Wicker criticizes statehood for Puerto Rico," page E577. In the version which I submitted for publication, I wrote, in part: "I have great respect for the institution of statehood, Mr. Speaker, but I am convinced that the existing Commonwealth status option in such a plebiscite is in the best interests of both Puerto Rico and the United States."

Unfortunately, Mr. Speaker, my comments as printed in the RECORD erroneously added the word "not," asserting that I "am convinced that the existing Commonwealth status option in such a plebiscite is not in the best interests of Puerto Rico and the United States." Clearly,

the wrong impression has been conveyed here. Clearly, as all my colleagues know, I strongly support and have always supported the enhanced Commonwealth option: it is the one status choice for Puerto Rico that has worked and worked well ever since Congress created it in 1952.

Because it is necessary that my colleagues read this correction in the context of my original comments of February 22, I am repeating the full text of those comments:

COLUMNIST TOM WICKER CRITICIZES STATEHOOD FOR PUERTO RICO

Mr. FUSTER. Mr. Speaker, as the House and the Senate move toward resolution of legislation providing for a political status plebiscite in Puerto Rico, I think it incumbent that my colleagues really think through the statehood option. I have great respect for the institution of statehood, Mr. Speaker, but I am convinced that the existing Commonwealth status option in such a plebiscite is in the best interests of both Puerto Rico and the United States.

More and more, Mr. Speaker, other voices seem to share that point of view, and these voices range across the political spectrum: Democrat and Republican, liberal and conservative. Surprisingly, they come from such disparate voices as the conservative syndicated columnists James Kilpatrick and Patrick Buchanan and the liberal columnist Tom Wicker of the New York Times. Even though I, a Democrat, seldom share the views of Mr. Kilpatrick and Mr. Buchanan, I inserted their columns in the RECORD last year in which they questioned granting statehood to Puerto Rico.

Now comes Tom Wicker, the celebrated columnist of the New York Times, and I think his observations of February 9, 1991, make good food for thought as my colleagues in the 102d Congress ponder anew, legislation in the House and the Senate that would authorize a three-way political status plebiscite in Puerto Rico.

THE 51ST STATE?
(By Tom Wicker)

"I want Puerto Rico to become the 51st state," President Bush has said. Does he realize that would mean fewer Puerto Ricans in private-sector jobs, more on welfare, and a probable additional cost of \$17 billion to the U.S. Treasury?

Attorney General Dick Thornburgh told Congress this week that the Administration favors a plebiscite in which Puerto Ricans might well vote for statehood. Senator Bennett Johnston of Louisiana, the chairman of the committee preparing plebiscite legislation, says Puerto Ricans' choice in that vote would be "morally binding" on Congress.

Mr. Thornburgh questioned the constitutionality of the only other likely status alternative—an improved, virtually autonomous version of the present Puerto Rican "commonwealth." A third option, independence, is not believed to have sufficient support to be a real possibility for the island.

Mr. Bush's desire for statehood is hard to understand, although the island's Republican Party also favors it. From a narrowly partisan point of view, Puerto Rico as a state would rate two senators and five or six members of the House. That's larger than a number of present delegations, including some that usually vote Republican; and the Puerto Rican delegation might well be all or mostly Democratic.

From a broader perspective, moreover, the island insists on maintaining its Spanish culture, which would make it the only state with Spanish as its official language. Even Puerto Rican Republicans agree on that—though mainland Republicans hardly can be enthusiastic about such an exception.

Economically, statehood would be a disaster for the island. It would mean the loss of the Commonwealth of Puerto Rico's exemption from U.S. taxes, under Section 936 of the Internal Revenue Code. No state is entitled to claim such an exemption, which has been applicable to Puerto Rico since before commonwealth status was achieved in 1952. That's one good reason the island's annual per capita income has risen since then from a few hundred dollars to more than \$6,000 a year.

Not only would statehood bring the Federal income tax to Puerto Rico; a Peat Marwick study estimated that 72 percent of the companies that have put about 2,000 industrial plants on the island, because of its tax advantages, might leave once statehood caused the loss of those advantages. That would mean the flight of 80,000 to 145,000 jobs, the study suggested.

A Congressional Budget Office report similarly found that if Puerto Rico's commonwealth tax advantages were lost, unemployment—averaging 14.6 percent even now—would increase by 100,000 within the decade. Under statehood, Puerto Rican gross product would fall by 10 to 15 percent in the same period.

Under the prevailing commonwealth status, however, economic growth is projected at a real annual rate of 2.5 to 4 percent. That's important to other Americans because Puerto Rico already buys more mainland goods than Brazil, Chile, Argentina and Columbia combined—\$9.4 billion in 1989.

Why would Puerto Ricans opt for statehood if it meant they had to pay United States income taxes while their economy was shattered? One reason is that many islanders are too poor to pay income tax, and statehood would make many eligible for nearly double welfare benefits—causing an estimated \$17 billion rise in Federal outlays for Puerto Rico, a short-term bonanza.

Statehood would allow the islanders to participate in Presidential elections, and to send a voting delegation to Congress. Many Puerto Ricans seem also to believe that it would magically produce for them a living standard equal to that of mainland Americans, whose per capita income is far higher—even in Mississippi, the poorest of the current states.

Commonwealth supporters, like Gov. Rafael Hernández Colón, believe they can win a plebiscite, though polls now give statehood a narrow lead. They hope commonwealth status can be so defined in the Senate's plebiscite legislation that, if voters opt for it, Congress could not change it in the future. But Mr. Thornburgh said the Constitution required United States territories, other than states, to be controlled by Congress; therefore, he argued, Congress could take away commonwealth status any time it chose.

If sustained by Bennett Johnston's committee, that's a telling argument against commonwealth and for statehood—and one that raises the question whether President Bush grasps the real consequences of what he says he wants for Puerto Rico.

MARTIN FINE HONORED FOR OUTSTANDING COMMUNITY SERVICE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. LEHMAN of Florida. Mr. Speaker, Marty Fine does not hold any public office, but he is truly one of Miami's finest public servants. For almost four decades, he has devoted his considerable energy and talent to improving the lives of those in our community who are most vulnerable and least able to help themselves. In many ways, Martin Fine has been the conscience of our community.

For his efforts, Martin Fine has been awarded the Miami Chamber of Commerce's highest award for community service. I would like to reprint the following article from the Miami Herald which provides further information about the award and the accomplishments of this remarkable man.

[From the Miami Herald, Jan. 31, 1991]

ADVOCATE OF POOR TO GET CHAMBER'S TOP HONOR

(By Andres Viglucci)

Martin Fine, the prosperous lawyer who has made a parallel career out of championing education and housing for the poor, will receive the Greater Miami Chamber of Commerce's highest award today for his service to the community.

Fine, 63, is winner of the 10th Sand in My Shoes Award, given to people who have embraced South Florida and worked to make it a better place.

"Marty is honestly the most dedicated, committed and devoted civic leader I have ever met," said chamber President Bill Collum. "The guy is just really incredible. I can't think of a person who deserves it more than he does."

Fine will pick up the award—a pair of bronze shoes—during a luncheon at the Inter-Continental Hotel in downtown Miami.

His community service resume would fill pages. Fine is in his second year as chairman of the board of trustees of Miami-Dade Community College. He is a member of the board and former chairman of the chamber of commerce, and a stalwart on the New World Center Action Committee, which redrew the map of downtown Miami.

But some of his most effective work has come behind the scenes, without title or committee: Along with state Sen. Carrie Meek, he was the chief architect of a real-estate tax fund that has generated millions of dollars for the construction of affordable housing in Dade County. The innovative program has been hailed across the country.

He also masterminded the push to extend the term of Miami's mayor from two years to four.

Fine says one thread runs through all his seemingly disparate endeavors: a concern for the quality of life of the poor and working poor.

"It's a rare opportunity, and a treat for me, to combine work in education with housing for poor people," Fine said. "Those are two bedrock areas in helping people climb out of the mire of poverty and hopelessness."

Fine, today a senior partner in the firm of Fine Jacobson Schwartz Nash Block and England, has been here 44 years, since attending law school at the University of Miami upon his discharge from the Army.

He vows to stay "until they take me out." His civic involvement in a prominent role began in 1955, when he joined the Miami Housing Authority. He stayed 10 years, eight of them as chairman, until the authority was absorbed by Metro-Dade County. A public housing project for the elderly and disabled near the Orange Bowl bears his name.

He was also a member of a group of developers who built Park Tower, a federally subsidized apartment building in downtown Miami for moderate-income people.

The building surfaced in the news two years ago, when federal auditors found that Fine had paid a lobbyist \$225,000 to help obtain federal money to renovate the apartments. After finding that hiring such lobbyists was common practice among local developers, federal officials revamped the housing program. Fine was never accused of doing anything improper.

Not all of Fine's causes have succeeded. A firm believer that government and private citizens must spend money to help the poor, he has vocally supported some tax plans that haven't proven popular with the general public—such as tax for children's services that voters defeated in 1988.

But he's not sorry he did. "I think that it's impossible to help poor people with mirrors and rhetoric," Fine said. "I think when programs are properly explained, when people understand what's at stake, that by and large the community has been responsive."

INTRODUCTION OF NURSING HOME ACCESS TO RESPIRATORY THERAPY ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. VENTO. Mr. Speaker, today I am once again introducing legislation to improve the health care of our nation's elderly by preserving respiratory therapy services at nursing homes.

As costs of health care in this country continue to spiral out of control, we must find low cost ways of fine-tuning the Medicare system to improve access to health care for the Nation's elderly. My bill, The Nursing Home Access to Respiratory Therapy Act, is one example of such cost effective fine-tuning. By making only a minor technical change in Medicare, one consistent with current practice, my bill would assist elderly Americans in need of respiratory care; especially those living in medically underserved areas such as inner cities and rural communities.

Many of our senior citizens suffer from both chronic and severe respiratory illnesses such as emphysema and asthma. Increasingly, these senior citizens are dependent upon mechanical ventilators in order to breathe for some part of the day. Years ago these patients would have remained confined to the hospital. Today, however, the advance of medical technology and the advent of the Medicare prospective payment system has had the effect of transferring many of these respiratory patients out of the hospital and into alternative care sites such as skilled nursing facilities [SNF's].

Over the past 10 years, respiratory care in SNFs has been delivered by a variety of entities, including the transferring hospital, independent respiratory care companies, or by the nursing home. The system has worked well until recently, when Medicare in certain States has begun to enforce an outmoded and little-known provision which requires that only a hospital with a transfer agreement with a SNF may provide respiratory care personnel to the SNF. Furthermore, only full time employees of that hospital are eligible to be sent to the nursing home. This provision was enacted in 1965 when respiratory care services were almost always limited to the hospital and are clearly out of step with today's needs.

Medicare, until recently, has not enforced this rule. However, Medicare intermediaries in Ohio, Florida, and New Jersey have now revived it, and the consequences for SNF patients could be devastating, particularly in rural areas and inner cities.

Many rural hospitals are experiencing severe manpower shortages, and must rely on temporary agencies or contract service employees. Regardless of the qualifications of the respiratory personnel, these individuals may not provide reimbursable respiratory care simply because they are not full-time hospital employees. Yet most small hospitals cannot afford a fully operational respiratory care department and must rely on contract personnel to deliver care to the respiratory patients. Without this technical correction, care to SNF patients would once again be prohibited.

There are currently 6,000 vacancies for respiratory therapists in the country. The Institute of Medicine has predicted that by the year 2000 the demand for respiratory therapists will exceed the supply by 34 percent. The resurrection of this rule by Medicare would further limit respiratory care at SNF's which is already suffering from personnel shortages.

The legislation I am introducing today would rectify this problem by including respiratory therapy as part of allowable extended care services in a skilled nursing facility. Since the legislation simply codifies the previously existing method, which is still acceptable in almost every State, of providing respiratory care services through a variety of practitioners, it is expected to have little or no budget impact. It simply allows patients afflicted with respiratory illnesses to continue to receive the needed and appropriate respiratory care, regardless of the care site.

Mr. Speaker, I am pleased that Representatives BACCHUS, BOUCHER, BOXER, COLLINS (IL), DEFazio, DELLUMS, DICKS, DIXON, DWYER, EMERSON, ENGLISH, EVANS, FAZIO, FOGLIETTA, GEJDENSON, GILMAN, HERTEL, HORTON, HUGHES, HYDE, JEFFERSON, JOHNSON (SD), KAPTUR, KOLTER, LAGOMARSINO, LANCASTER, LEWIS (FL), LIPINSKI, LLOYD, MFUME, MORELLA, MURTHA, OBERSTAR, PEASE, PELOSI, PENNY, POSHARD, RANGEL, REGULA, ROE, SERRANO, SMITH (NJ), SMITH (FL), SNOWE, TOWNS, WALSH, WISE, and WYDEN have joined me as original cosponsors of this legislation to improve the quality and increase the access to respiratory care services available to our Nation's elderly. I am hopeful that this legislation will be enacted quickly so that the negative consequences of the enforcement of the outdated Medicare provision will be avoided. I

urge other colleagues to join me in this important effort.

NATIONAL PRESIDENTIAL DEBATES ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MARKEY. Mr. Speaker, today Senator BOB GRAHAM and I are introducing the National Presidential Debates Act of 1991. This legislation, which was first introduced in the 101st Congress, requires candidates for the Presidency who qualify for public campaign finance funds during the general election period to participate in four debates in order to receive those funds.

Congress will again this year consider the question of campaign finance reform, and passage of a comprehensive reform package should be a top priority for Members on both sides of the aisle. We will undoubtedly study a broad range of topics as part of this debate, from the merit of political action committees to the responsibilities of broadcasters to the role of public financing.

A chief focus—and a primary goal—of this debate should be the restoration of public confidence in political campaigns. The public's growing cynicism—or at best indifference—to political campaigns is the result of a steady decrease in the substantive information available to the public.

Following a 2-year study, the Markle Commission on the Media and the Electorate last year cited citizen abdication of their role in the electoral process as its single most disturbing finding, noting that its research had found that, "American voters do not seem to understand their rightful place in the operation of American democracy," and see themselves as "distant outsiders with little personal consequence at stake in national elections."

Blame for this trend can be spread far and wide, from the networks to the parties to the candidates themselves. As a consequence of campaigns driven largely by photo opportunities and sound bites, substantive debates between the candidates have grown in their value to the voter. Nowhere is this more true than in Presidential campaigns, and polls have consistently reflected the importance of televised debates to voter decisionmaking.

On average, nearly 50 percent of American households with televisions tune in to Presidential debates. Debates represent one of the few instances in a campaign when voters are able to hear from the candidates themselves, in their own words, rather than through the thicket of speech writers, spin doctors, and journalists that too often shape public perceptions of the candidates. Viewers know that regardless of how well coached or prepped a candidate may be prior to taking the stage, he or she is alone, unfiltered, and eye-to-eye with the voter once the debate begins. And that's the way voters like to judge candidates.

Such debates have deservedly become an integral part of electing our President. The anticipation of nationally televised face-to-face meetings between candidates is a galvanizing

force in the electoral process. The debates focus public attention, heighten voter interest, and require the candidates to prepare for and stand up to close scrutiny. This is an important part of our democratic process.

Although debates have occurred in the last four Presidential campaigns, over a decade passed from 1964 to 1976 without a single debate between major party candidates. Even so, debates since 1976 have been no sure thing. In 1980, debates were threatened by President Carter's Rose Garden strategy and the participation of an independent candidate. In 1984, debates only occurred at the insistence of President Reagan, whose advisers recommended that he participate in none. And in 1988, during negotiations on the debates, President Bush's advisers, Jim Baker and Roger Ailes, reluctantly agreed to two debates after at first arguing that none were needed.

Once again, as the 1992 campaign approaches, there is no guarantee that the Democratic and Republican nominees will debate. And even if they do, it will be the result not of a commitment to a substantive campaign, but rather the product of bitter political haggling.

The public, which pays for the campaigns of Presidential candidates, deserves and should demand substantive debates in return for its investment. In a symposium last year sponsored by the Commission on Presidential Debates, Washington Post political reporter David Broder made this same point. "Whose campaign is it?" he asked. "We have accepted far too passively the notion that it is up to the candidates and their advisers to determine what takes place and what's talked about and how it's talked about in a Presidential campaign. The campaign belongs to the public."

Broder and other campaign observers, including Jim Lehrer, John Chancellor, David Gergen, John Brademas, Mort Zuckerman, and Lawrence Grossman, have endorsed the concept of debates tied to public financing. The Markle Commission, in the concluding recommendations of its report on the media and the electorate, urged the adoption of institutionalized debates. "Research shows the public pays more attention to the debates than any other campaign event," the report noted. "The Commission recommends that public funding of campaigns be conditioned on candidate commitment to participate and that the debates become permanent future fixtures of Presidential campaigns."

This issue has been given a certain urgency by recent reports on the status of the Treasury's Presidential campaign finance fund. The Chairman of the Federal Election Commission, John W. McGarry, earlier this month acknowledged that the fund was "heading for insolvency." Each year, fewer Americans check off the box on their income tax returns that directs \$1 to the fund, signaling their dissatisfaction with the quality of the campaigns this public financing provides. The Treasury has responded to the likely shortfall by proposing decreased public contributions to primary campaigns in order to ensure adequate finances for the general election.

The legislation Senator GRAHAM and I are today introducing represents a refinement of the original bill introduced in the last Congress. Although there was support for man-

dated debates within Congress, the media, and the parties, some elements of the legislation were criticized as "micromanaging." Although I continue to believe that these stipulations would have improved the quality of the debates, it is hoped that omitting them will facilitate the passage of the legislation.

In another important change, the bill we introduce today requires that the debates be sponsored by "a nonpartisan or bipartisan organization." The initial version of the legislation allowed sponsorship only by a nonpartisan organization. This change was made in order to include the possibility of sponsorship by the Commission on Presidential Debates, which skillfully staged the 1988 general election debates and which has continued to play an active and positive role in calling for institutionalized debates.

I thank my colleagues who cosponsored this measure in the last Congress, and I again urge support for the National Presidential Debates Act.

Mr. Speaker, I insert the text of the bill in the RECORD following my remarks:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Presidential Debates Act of 1991".

SEC. 2. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND

(a) IN GENERAL.—Chapter 95 of the Internal Revenue Code of 1986 (26 U.S.C. 9001 et seq.) is amended by inserting after section 9003 the following new section:

"SEC. 9003A. PRESIDENTIAL ELECTION DEBATES.

"(a) IN GENERAL.—In addition to the requirements specified in section 9003, in order to be eligible to receive any payments under section 9006, the candidates of a political party for the offices of President and Vice President shall agree in writing—

"(1) that the candidate for the office of President will participate in at least 4 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for the office who are eligible under such section 9006; and

"(2) that the candidate for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under such section 9006.

"(b) INELIGIBILITY.—If the Commission determines that a candidate failed to participate in a debate under subsection (a) and was responsible at least in part for such failure, the candidates of the party involved shall—

"(1) be ineligible to receive payments under section 9006; and

"(2) pay to the Secretary of the Treasury an amount equal to the amount to the payments made to such candidates under such section."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 95 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 9003 the following new item:

"Sec. 9003A. Presidential election debates."

SEC. 3. TECHNICAL AMENDMENT.

Section 9007(b)(5) of the Internal Revenue Code of 1986 (26 U.S.C. 9007(b)(5)) is amended

by inserting "or section 9003A(b)" after "this subsection" each place it appears.

SUPPORT FOR 42D BOMBARDMENT WING

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Ms. SNOWE. Mr. Speaker, I rise today to introduce legislation to extend tax relief benefits to members of the 42d Bombardment Wing from Loring, Air Force Base in Limestone, ME.

The members of the 42d left their homes and their families in Aroostook County last August in support of Operation Desert Shield. Since that time the majority of them have been stationed at our base on Diego Garcia in the Indian Ocean. On January 16 they began their participation in Operation Desert Storm.

You may not have heard of the 42d Bombardment Wing, but you know their work. These men and women fly and maintain the B-52 bombers. Granddaddy of the U.S. strategic bombers, the B-52's and their 20-ton payloads have knocked out military targets in Iraq and helped to ease the path of our ground troops into Kuwait and Iraq.

But even though the men and women of the 42d Bombardment Wing are fully involved in Operation Desert Storm, they have not been provided the tax relief offered to other servicemen and women and their families. They were also not included in the legislation adopted by the 102d Congress to provide retroactive tax relief to those in the combat zone in order to provide an extension of filing the 1990 tax returns.

The reason for this oversight is that Executive Order 12744, which formally designated the Persian Gulf combat zone, did not include Diego Garcia.

My legislation would provide an extension of time for filing 1990 tax returns until 6 months after these men and women return from Diego Garcia, which was the same timeframe provided for individuals under H.R. 4 as adopted by the 102d Congress. The bill also extends the tax relief provisions provided to individuals within a designated combat zone, such as relief from the deadlines for filing returns, paying taxes, and contesting tax liability.

The 42d may not have their planes sitting on runways in Saudi Arabia, but their contribution to the allied air campaign has been invaluable. It is a matter of equity that we extend to these hard-working, dedicated men and women and their families, the same tax benefits as their colleagues who have fought in the air war, albeit out of a different base.

A SALUTE TO NICOLET HIGH SCHOOL BAND

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MOODY. Mr. Speaker, I am privileged to honor the Jean Nicolet High School Band of

Glendale, WI, which received a historic invitation to become the first American band to march in a parade through Red Square for the U.S.S.R. Victory Day Parade on May 9, 1991.

This unprecedented event presents a wonderful opportunity for students from different cultures to engage in exchange of ideas and to further knowledge and cooperation in the discipline of fine arts. Under the directorship of Nick White, who has been committed to music excellence for a number of years, the band's individual members have achieved numerous accomplishments and advanced status as young musicians. Some have been involved with the Milwaukee Symphony Orchestra while others have performed with the acclaimed Greater Milwaukee Youth Ensemble.

The event evolved from a relationship between Nicolet High School and its Muscovite sister school, the Gnessin Music College, Russia's foremost music institution for talented high-school-aged students. Following a United States visit from two of the school's Russian composers, the students received an unexpected invitation from the Moscow City Council to perform in the city's famed Red Square.

In celebration of the exchange in fine arts education, the students will participate in a joint concert—also the first of its kind—with the Gnessin students. The students will also perform for the world-renowned Moscow Circus during their tour.

The involvement of this talented band plays an important role in promoting education that extends beyond domestic borders as well as promoting increased awareness of the multifaceted Soviet Union.

Mr. Speaker, I join all music enthusiasts and Wisconsin residents in saluting all members of the Jean Nicolet High School Band and Director Nick White for their unprecedented accomplishment. They are a shining example of the unlimited benefits that result from united cooperation and self-expression.

SACRIFICE AT HOME

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. COUGHLIN. Mr. Speaker, this past weekend, the attention of the American people and the world again turned urgently toward the Persian Gulf as the United States and the forces of the coalition nations engaged in a ground war in what is hopefully the final stage in the liberation of Kuwait and the defeat of Saddam Hussein.

I, like all Americans, am extremely proud of the dedication and sacrifice that our young men and women are displaying in the Persian Gulf.

Unfortunately, this weekend my attention also turned to Philadelphia where a 12-alarm fire in a center-city highrise raged out of control for more than 19 hours and claimed the lives of three brave south Philadelphia firefighters.

For the past several months, the American people have overwhelmingly shown their support for the brave men and women of our armed services as they were deployed to the

Middle East to check the naked aggression of a ruthless dictator. But in this time of international unrest, we Americans cannot afford to forget the other groups of brave men and women who serve our communities every day, willingly putting themselves in harm's way to protect our lives and property here at home.

Capt. David P. Holcombe, Firefighter Phyllis McAllister, and Firefighter James A. Chapple of Engine Company 11 from Philadelphia died in the blaze after they became trapped on the 28th floor of the 38-floor building. Not unlike the brave men and women who are now fighting in the deserts of Kuwait and Iraq, these three firefighters died while performing their chosen job, died while fulfilling a sense of duty to serve their neighbors.

Mr. Speaker, nothing can ever be said to ease the pain of the loss of life or make us forget this tragic event. Instead, I rise today to honor and remember the lives of David Holcombe, Phyllis McAllister, and James Chapple—three people who, in the ultimate sacrifice, gave their lives while trying to help others. The people of Philadelphia, as well as the rest of the United States, owe these and all firefighters a debt of gratitude for a commitment and dedication that often goes unrecognized.

THE CONCLUSION OF WAR IN THE PERSIAN GULF

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. ANDERSON. Mr. Speaker, I have watched the news in the past 3 days with both a sense of gratitude for the astoundingly low allied casualties and gains we have made and concern for the safe being of our troops. It seems that more than a month of air attacks did a tremendous job in preparing the battlefield and destroying the Iraqi Army's will to fight. That tens of thousands of Iraqi soldiers have surrendered to allied forces is testimony enough to the decisiveness of our battle plan, the quality of our equipment, and, above all, the outstanding efforts of our troops. Our successes to date are beyond anything we could have expected. While the situation remains fluid, it is now apparent this conflict will be over in short order. I simply cannot commend highly enough the skill and resolve of the United States and allied armed forces.

This ground war was something that I did not want to see. Yet, I believe it was also unavoidable. The last minute Soviet proposal for peace clearly fell short of the U.N. resolutions and coalition objectives. As such, it was unacceptable. Saddam Hussein met our demand for an unconditional, immediate withdrawal only with bluster, intransigence, and more Scud attacks. Sadly, his last Scud attack has done the most damage. Nearly 30 U.S. troops, at last report, were killed when a missile hit their barracks. More American men died in their sleep, far from Kuwait, than have died in all the ground fighting so far. I have stated throughout this conflict that peace and a ceasefire were easily achieved. Saddam Hussein merely had to comply with mandates of the world community.

While yesterday's radio order from Saddam to his troops to withdraw from Kuwait is encouraging, it shows he is not willing to unconditionally submit. Where is his rejection of the Iraqi annexation of Kuwait? Where is his admission of responsibility for what he has done? Why cannot he comply with the U.N. resolutions? I wholly support continuing our military pressure until he is willing to fully acknowledge his defeat and own up to the repulsive atrocities and damage his army has inflicted upon the people and nation of Kuwait. I long for a quick peace, but I am unwilling to see Saddam escape scot-free from his crimes.

Saddam Hussein has brought this ground war upon himself. Now, he will lose the war he started. It is already apparent that his army will be crushed in short order, and Kuwait will be free. Most importantly, Saddam Hussein will cease to be a threat to the region. When we have come so far, it would be unconscionable to let Saddam slip away now without forcing him to comply with the U.N. resolutions.

I pray for continued success and for the lives of our brave fighting men and women. Their efforts have been more than heroic. I look forward to their quick return home and a lasting peace.

CORRECTIONS TO H.R. 192, THE FINANCIAL INDUSTRY REFORM AND CAPITAL ENFORCEMENT ACT

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. BARNARD. Mr. Speaker, on January 3, 1991, I introduced, along with eight of my colleagues, H.R. 192, the Financial Industry Reform and Capital Enforcement Act. This legislation is substantially similar to H.R. 1992 which was introduced in the last Congress. Unfortunately, due to clerical error, there were several mistakes and one omission in the legislation. Rather than reintroduce the legislation at this time, I would like to announce our intent to make the corrections and to provide the correct material below. The bill should be corrected to read as follows:

Page 12, Line 11, after "institution," and before "an" add "in".

Page 12, Line 11, strike all that follows after "amount" up to but not including "until" on Line 14 and insert "... equal to the capital deficiency set forth in the notification described in paragraph (1) of this subsection . . ."

Page 13, Line 11, after "and" and before "a", insert "... upon appointment of a conservator pursuant to paragraph (3) of this subsection . . ."

Page 13, Line 21, strike all that follows after "amounts" up to but not including "may" on line 22 and insert "... provided under any bond, guarantee or similar undertaking, deposit or capital contribution, if any, maintained pursuant to subparagraph (A) of this paragraph . . ."

Page 16, Line 6, strike all that follows after "section," up to but not including "if," on line 11 and insert "... the amounts provided under any bond, guarantee or similar undertaking, deposit or capital contribution, if any, maintained pursuant to subparagraph

(A) of paragraph (2) of this subsection may be appropriated by the appropriate Federal regulatory agency, and may be infused into the insured depository institution being divested"

Page 17, Line 14, strike all between "amounts" and "..." and insert "... provided under any bond, guarantee or similar undertaking, deposit or capital contribution, if any, maintained pursuant to subparagraph (A) of paragraph (2) of this subsection".

Page 25, Line 19, insert the following new paragraph (3) and renumber the existing paragraph (3) as paragraph (4):

"(3) No bank holding company which becomes a depository institution holding company and no depository institution holding company which did not at any time prior to becoming a depository institution holding company directly or indirectly engage in insurance agency or real estate brokerage activities not permissible for bank holding companies under section 4(c)(8) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 2843(c)(8)), unless—

"(i) such activities shall be conducted through an existing insurance agency or real estate brokerage firm, as the case may be, acquired directly or indirectly by such depository institution holding company or through any successor to such insurance agency or real estate brokerage firm, and

"(ii) such acquired insurance agency or real estate brokerage firm shall have been actively engaged in such insurance agency or real estate brokerage activities during the five years preceding the date of enactment of this Act, and

"(iii) such acquired insurance agency or real estate brokerage firm may be legally affiliated with an insured depository institution under the laws of the State in which such depository institution holding company controls an insured depository institution and in which such acquired insurance agency or real estate brokerage firm is chartered or licensed: *Provided further*, That the activities of such acquired insurance agency or real estate brokerage firm that is affiliated with such depository institution holding company may be engaged in only to the extent permissible under the laws of said State."

GRACE BARBARA GEORGE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I rise to recognize an outstanding individual who has ventured forth to enhance the educational capabilities of our youth, Ms. Grace Barbara George.

In 1959, Ms. George began working as a schoolteacher. She specialized in teaching classes that were designated for intellectually gifted children. She remained in this position until she began working as a language arts specialist as well as a teacher for P.S. 262 in district 16 in 1973. Her responsibilities were to provide instruction to students who were eligible for special programs while utilizing the various techniques of small group instruction.

After much success, she began working for the Queens Regional Office of Special Education. She worked as a teacher trainer in reading. She worked with teachers in monthly workshops focusing on staff development.

This provided on-site training to help teachers become more effective in the classroom.

Ms. George became the regional coordinator of the Chapter I Program in 1981. Her primary duties were monitoring the budget, working with principals, special education supervisors, and teachers. In addition, she worked as a regional coordinator in the summer months of 1982 and 1983.

She progressed in the ranks and became personnel director in 1983. As the director, Ms. George was in charge of personnel functions for over 2,500 educators, in addition to a host of other duties. Later, she became a high school placement officer and articulation coordinator, in which she was mainly responsible for placement of special education students in appropriate high school settings.

In late 1985, George moved into the division of special education as executive assistant to the assistant superintendent for regional programs. She remained in this position until 1986, when she became executive assistant to the chief administrator. Among her many tasks, she provided technical advice and assistance relative to the implementation and efficient functioning of the division's regional operations. The executive assistant is very important within this department due to the responsibility of assisting the chief administrator, the superintendent, as well as other high level administrators.

Presently, Ms. George is the deputy superintendent for community school district 32. She has held this position since 1988. Some of her responsibilities include coordinating pupil personnel services, advising and interpreting new legislation and regulation, accounting for accurate delivery of instructional services, and supervising the entire District Educational Field Trip Program.

Individuals such as Grace Barbara George are valuable assets to our Nation's educational system. The hard work that she has done is of great significance. I would like to commend her for her contributions and urge her to continue her endeavors as an administrator in the New York City school system.

PROUD TO BE THEIR CONGRESSMAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. SOLOMON. Mr. Speaker, this country hasn't been so united in a common purpose in 45 years.

I'd like to tell you about one family that symbolizes that unity.

Pam Waterston of North Creek, New York, is only 21 but she's one of the reasons, as General Schwarzkopf said, our troops are going around, through, under, and on top of Iraqi troops.

Pam Waterston operates a 10,000-pound forklift for the 82d Airborne, and keeps the massive flow of materials moving from ships to railcars on their way to the front.

She is proof, Mr. Speaker, that women can get the job done, and have a place in our all-volunteer military.

She belongs to quite a family. Her mother, Terry, is area coordinator for Operation Uplift, which collects donations for our troops in the gulf. She and her two sisters, Shirley and Bobby served in the U.S. Marine Corps about the same time that I did and she is vice commander of American Legion Post 629 in North Creek.

One of Terry's sons is Sgt. Barry Waterston Jr., a member of the 10th Mountain Army National Guard.

Another son, T. Sgt. Rob Laber, is now serving in Holland but may be called up to serve in the gulf.

Mr. Speaker, it's an all-American family from an all-American town, and I'm proud to be their Congressman.

INTRODUCTION OF THE EARNING BY LEARNING BILL

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. GINGRICH. Mr. Speaker, this summer, the Early Childhood Department at West Georgia College in Carrollton, GA, carried out a pilot program designed to motivate youngsters to read by giving them a monetary incentive. The program, called "Earning by Learning," has already had a positive impact on my district. Therefore, I have introduced H.R. 95 to authorize the use of funds under the Elementary and Secondary Education Act for programs to provide monetary compensation to students for reading and reporting on books, so that the benefits of the program, which is a proven success, can be extended to youngsters across the country.

In the program, third and fourth grade students, who were considered to be at risk of not learning to read, were given \$2 for each book they read. The children were allowed, with some adult guidance, to choose the books they wanted to read. After reading each book, the child reported on it to a volunteer. Each child had a form to keep track of how many books were read during the summer, and the forms were used to determine how much money the child had earned by the end of the program.

At the end of the program, 282 at-risk third and fourth graders had read 3,801 books. The total cost of the pilot program—less than \$10,000—was money well spent. However, a program like this may not be eligible for funding under the Elementary and Secondary Education Act of 1965. I urge you to cosponsor this important bill.

For information on the Earning by Learning Program or to cosponsor H.R. 95, contact Siobhan Rieger on my staff at 255-4501.

WOMEN'S HEALTH EQUITY ACT OF 1991

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mrs. UNSOELD. Mr. Speaker, the Women's Health Equity Act introduced follows on the work in the last Congress to draw attention to the fact that women deserve equal attention in medical research, services, and prevention.

There is an abundance of anecdotal evidence to suggest that scientists study white male subjects disproportionately because they are easier and less expensive to study. Easier because scientists do not have to account for monthly cycles, pregnancy, or menopause. Yet it is because of these variables that it is so important to include women in clinic trials—because all of these variables still exist when scientists and doctors apply research to women.

Let me give you just one example. The Baltimore Longitudinal Study of Aging, a study funded by the National Institute on Aging, began in 1958 but did not include women until 1978, leaving a 20-year gap in the research.

In addition, the Society for the Advancement of Women's Health Research reports that "research on diseases unique to women or more prevalent in women—osteoporosis, menopause, breast cancer, postpartum depression, ovarian cancer—is often underfunded." These are very real issues for all of us—issues we are addressing through the Women's Health Equity Act of 1991.

Since we started this battle at the beginning of the 101st Congress, the National Institutes of Health has created an Office for Research on Women's Health, and we have acted on 10 separate bills relating to women's health and research. We must continue along this path in the 102d Congress. To show my commitment, I have not only cosponsored the Women's Health Equity Act of 1991, but each of the 22 bills in the act as well.

REMEDIOS DIAZ-OLIVER: A CUBAN-AMERICAN WHO DOES NOT REST ON HER SUCCESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today one of my constituents, Remedios Diaz-Oliver, who recently was featured in the International Business Chronicle as one of America's leading businesswomen involved in international trade.

Ms. Diaz-Oliver represents the can-do spirit that continues to make America the most productive nation in the world. The 52-year-old president of American International Container, Inc., was selected by the U.S. Chamber of Commerce as the 1990 Businesswoman of the Year, and also received the 1990 Florida Export Achievement Award from U.S. Secretary of Commerce Robert Mosbacher.

American International Container is one of many south Florida firms, founded by Cuban

political refugees, which has helped America win overseas markets. Ms. Diaz-Oliver's firm was honored especially for expanding "sales of American products to areas that were originally controlled by European manufacturers." It distributes thousands of containers—everything from perfume bottles to large plastic jugs—for over 150 companies. Current overseas markets include Australia, New Zealand, Hong Kong, Singapore, Europe, the Caribbean, and Latin America, with overseas sales and warehouses in San Jose, Costa Rica; Caracas, Venezuela; Mexico City, Mexico, and Guatemala City, Guatemala.

Thirty years after leaving Cuba with her husband, an infant daughter, and a few dollars in her pocket, Remedios has achieved prominence at the local, national, and international levels. She is among only 6 Hispanic women who serve on the boards of Fortune 1,000 companies. She's also president of the Cuban Women's Club, a trustee of the Greater Miami Chamber of Commerce, and the treasurer of the Florida State Commission on Hispanic Affairs.

President Bush recently appointed Remedios as one of three advisers on international trade for the Advisory Committee for Trade Policies and Negotiations. She also was selected to represent the President at the inauguration ceremonies for Uruguayan President Luis Lacalle.

In a recent interview with the International Business Chronicle, Ms. Diaz-Oliver emphasized that the old-fashioned values of hard work and discipline are the ingredients of her success. Luis Sabines, president of the Miami-based Latin Chamber of Commerce and Industry said, "I admire her human quality. I don't know where she gets all the energy to support so many organizations with time and money."

TRIBUTE TO THE LATE JUDGE JOSEPH BRANCH

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. VALENTINE. Mr. Speaker, I rise in tribute to one of North Carolina's greatest citizens and public servants, Judge Joseph Branch, who died last week.

Judge Branch was a member of the North Carolina Supreme Court for 20 years and served as chief justice from 1979 until his retirement in 1986. Prior to his service on the court, Judge Branch's public career included four terms in the State House of Representatives, service as town attorney for Enfield, NC, and appointment as legislative counsel to two Governors.

I had the privilege of knowing Judge Branch personally for many years and take great pride in representing his home town and county in the U.S. House of Representatives.

He was a close friend and adviser who could always be counted on for wise and judicious counsel. With former Governor Dan K. Moore, who appointed him to the supreme court and under whom we both served, Joe Branch was my political mentor, inspiration,

and role model. In all my public life, I have never known a more intelligent and fair-minded person or an individual of greater integrity.

Judge Branch, I am proud to say, was a strong Democrat and an outstanding leader of the Democratic Party in Halifax County and across the State. At the same time, he clearly recognized the limits of party politics and the need for objectivity and fairness both as a judge and as a political leader. He was principled without being partisan and always put the needs of North Carolina citizens ahead of any party considerations.

As an associate justice and then as chief justice of the North Carolina Supreme Court, Judge Branch exemplified the highest ideals of judicial service. No attorney, no plaintiff, no defendant who appeared before Judge Branch's court could ever complain of unfair treatment. Judge Branch possessed a model judicial temperament as well as deep knowledge of the law and acute sensitivity to the effects of the legal system on every individual who encountered it.

Judge Branch's wife Frances and the other members of his family can take great pride in his life and accomplishments. Our State is a much better place because of his contributions. Everyone who came in contact with Judge Branch was ennobled by his presence, and we are all diminished by his loss.

North Carolinians in public life can only strive to reach the standards that Judge Branch established. Every citizen of our State is forever in his debt.

JUDGE DONALD LEE MANFORD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. SKELTON. Mr. Speaker, a good friend and former Missouri State Senate colleague, Judge Donald Lee Manford, died recently at the age of 56. He was an outstanding Missourian, who devoted most of his life toward legislative and judicial endeavors.

I had the privilege to work with Judge Manford in the Missouri Senate, where he served as the chairman of the prestigious appropriations committee. During this time, he built a reputation for fiscal restraint and thoroughness. In 1979, he was appointed judge of the Missouri Court of Appeals, in Kansas City, and served until his untimely death on February 12, 1991.

He was my friend, and I will miss him, and I know well that he will be missed by those who had the privilege to know him or serve with him.

Judge Manford earned his law degree from the University of Kansas and went on to serve as a Missouri assistant attorney general. He was elected to the Missouri House of Representatives for 2 years and the Missouri Senate for 10 years. Judge Manford served his State and country well. In addition to his contributions to the State of Missouri, he served in the U.S. Navy during the Korean war.

Judge Manford is survived by his wife, Judy; his mother, Juanita Manford; three daughters; a son; two sisters; and five grandchildren.

INTRODUCTION OF THE COAL MINERS JUSTICE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MILLER of California. Mr. Speaker, I am pleased to introduce today, along with 29 of my colleagues, the Coal Miners Justice Act. This act will benefit over 60,000 disabled coal miners who have been denied essential black lung benefits to which they were legally entitled and which Congress intended they receive. This is an egregious situation which demands swift remedy.

The responsibility for handling claims for black lung benefits was originally assigned to the Social Security Administration, but was transferred to the Department of Labor in 1977. Congress explicitly directed the Labor Department to use eligibility criteria no more restrictive than those used by the Social Security Administration.

Despite this mandate, the Department of Labor established more restrictive eligibility requirements which differed significantly from those used by the Social Security Administration. As a result, thousands of miners were unjustly denied black lung benefits Congress had intended they receive.

In December 1988, the U.S. Supreme Court ruled in Pittston Coal Group versus Sebben that the Department of Labor had failed to follow the directive of Congress and ruled that its

eligibility criteria was more restrictive than those of the Social Security Administration. However, the Court refused to grant relief to the many individuals whose claims were adjudicated under the Department of Labor's improperly restrictive criteria because those claimants had technically failed to pursue their legal appeals on a timely basis. It is ludicrous to penalize these disabled miners who were pressured by a Federal department not to seek benefits.

My legislation requires the Department of Labor to review the claims of those who were denied benefits under the Department of Labor's regulations using the Social Security Administration's criteria, and to allow such claimants to offer additional evidence of disability. While many of these individuals may have no claim, and many of those eligible for benefits have already died as a result of black lung, those who were unjustly denied benefits deserve to receive them.

PAY-AS-YOU-GO BUDGET AGREEMENT

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. RINALDO. Mr. Speaker, rising unemployment, mortgage foreclosures, business and personal bankruptcies, and a slump in economic activity are putting new strains on

the Gramm-Rudman deficit reduction law. People are saying we should suspend the deficit reduction targets and indulge in massive spending to pump prime the economy and to create more jobs.

If we listen to these voices, last year's pay-as-you-go budget agreement designed to bring the annual deficit down by almost \$500 billion in the next 4 years would end up in shreds.

The Gramm-Rudman deficit reduction law is the kind of discipline we need to eliminate the deficit, and I shudder to think how large our deficit would be without it.

Under our new, pay-as-you-go system, we cannot spend more on one program without taking the money away from something else, or we must develop a new revenue source such as a tax or fee to cover the additional cost. That is the real discipline in the budget process that I want kept in place, regardless of the pressures created by the recession.

We should keep the pay-as-you-go policy to bring down the deficit.

The rewards will be great. We can expect lower interest rates and more investment in jobs, infrastructure, business, education, the environment, and housing. By sticking to our guns, the deficit in 1995 could be less than \$100 billion, a deficit that would be less than 1 percent of our gross national product for the first time in 20 years.

That is a goal worth achieving, and our children and grandchildren will thank us for it.